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Codification of Rhode Island Laws

Relating to Children



June, 1922

Codification of Rhode Island Laws^{ct}

Relating to Children

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Brown University

PUBLISHED BY THE

Rhode Island Congress of Mothers

--- and ---

Parent-Teacher Associations

June, 1922

Foreword

The purpose of the Rhode Island Congress of Mothers and Parent-Teacher Associations in undertaking the publication of the CHILDREN'S CODE was to make available and easily accessible for general reference, a tabulation of the Rhode Island laws affecting children.

The project of compilation was initiated by the 1920-21 legislative committee of the Congress and was carried to its completion under the auspices of the 1921-22 legislative committee. The codification was made by Professor Harold S. Bucklin of the Social and Political Science Department of Brown University, who has most generously given his time and effort to its accomplishment.

It is hoped that this pamphlet will reach and prove helpful to parents, teachers, school officials, welfare workers, and all who have a direct interest in the upbringing and safeguarding of the children of our State.

ELIZABETH A. MOULTON, *President.*
Rhode Island Branch.

National Congress of Mothers and Parent-Teacher Associations.

April, 1922.

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Introduction

The following codification of Rhode Island laws relating to children was made for the Rhode Island Congress of Mothers and Parent-Teacher Associations.

"Children's codes" had their beginning in 1911 with the appointment of the "Commission to Codify and Revise the Laws of Ohio Relative to Children." Codification has generally been a first step in the co-ordination and revision of a state's laws. A code makes possible organized and co-operative effort to secure necessary legislation, and reduces the probability of incomplete and inadequate amendments.

Commissions for the study and revision of child-welfare laws have already been appointed in Connecticut, Delaware, the District of Columbia, Indiana, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New York, Ohio, Oklahoma, Oregon, South Carolina, Texas, and Wisconsin. Minnesota and Missouri have made many improvements as a result of the work of the commissions in those states.

The index used in the following codification is based on the suggestion made by the United States Children's Bureau in publication number 71, on "State Commissions for the Study and Revision of Child-Welfare Laws." Comparisons may therefore be more easily made with codes of other states. There have been included all laws which in any way affect children. The text is quoted verbatim in every case. This was thought desirable because in the last codification of Rhode Island laws, that of 1909, laws relating to children are not grouped together.

In the preparation of the material I have been assisted by several students in the Department of Social and Political Science in Brown University. Mr. Vincent York, 1923, helped gather the material. Miss Doris Allen and Miss Helen Sheehan of the class of 1922, and Miss Elsie Carlen, Miss Marian Hassinger and Mrs. Evelyn Lochman of the class of 1923, of the Women's College, helped in checking and proof-reading. The staff of the State Library and the office of the Secretary of State have given valued assistance.

HAROLD S. BUCKLIN.

Department of Social and Political Science in Brown University.

June 15, 1922.

Codification of Rhode Island Laws

Relating to Children

A. WRONGS TO CHILDREN.

G. L. 1909: Ch. 139.

SECTION 1. Whenever complaint shall be made in writing and on oath to any justice or clerk of a district court, that any child under the age of seventeen years is within the district of such justice or clerk entirely abandoned, or treated with gross and habitual cruelty by the parent, or other person having the custody or control of such child, or that such child is an habitual sufferer for want of food or clothes by reason of the wrongful neglect of the parent or person having the custody or control of such child, or that such child is in any manner being used for wanton, cruel, or improper purposes, or is compelled to do wanton and wrongful acts, or whose home is a resort for lewd, wanton, drunken, or dissolute persons, or whose home, by reason of neglect, cruelty, drunkenness, or depravity on the part of the parent or person having the custody or control of such child, is an unfit place for such child to live in, or whose health and life are endangered by the occupation in which it is engaged, or is in any manner wrongfully induced, constrained, or allowed, by such parent or other person having the custody or control of such child, to beg, steal, or in any manner wrongfully impose upon others for the benefit of such child, or of the parent or other person having the custody or control of such child, or that such child is neglected and has not proper care and oversight, such justice or clerk, if satisfied that there is reasonable cause for such complaint, shall by due process, directed to such officer or person as may be designated by him, cause such child to be produced before the district court of such district at a time and place designated.

SEC. 2. The district court to which said process is made returnable, upon hearing said complaint, if satisfied of the truth thereof, shall by decree assign the custody of said minor child to the Rhode Island Society for the Prevention of Cruelty to Children, for such period as shall seem fit to said court, and said society shall thereupon become entitled to the custody of said minor child to the exclusion of any other person.

Sec. 3. (as amend. 1912:827.)

Said society, under the direction of said district court, may deliver said child into the keeping or care of the state probation officer or of either of the following societies: The Children's Friend Society; the Rhode Island Catholic Orphan Asylum; St. Mary's Orphanage; The

Children's Home; St. Vincent de Paul Infant Asylum; Association for the Benefit of Colored Children; Home for Friendless Children in Newport; L'Orphelinat St. Francois de L'Institut des Franciscaines-Missionnaires de Marie: *Provided, however*, that in delivering the keeping or care of any such child by the said Rhode Island Society for the Prevention of Cruelty to Children, under the direction of said court, into the keeping or care of any of said societies, regard shall be had to the religious belief of the parents of such child, and whenever the religious affiliations of the parents can be ascertained, such child shall be placed into the care or keeping of such society which is of the same religious belief, or controlled by persons of the same religious belief, as the parents of said child. Whenever any such child is over four years of age, said society for the prevention of cruelty to children may deliver such child into the keeping and care of the superintendent of the state home and school, and whenever any such child is under four years of age said society may deliver such child into the keeping and care of the penal and charitable commission, who shall provide for the maintenance of such child under the provisions of chapter ninety-three, sections twenty-five and twenty-six; *Provided, however*, that neither of said societies shall be entitled to the goods and chattels of said child. Said district court may at any time, for good cause shown, revoke said decree.

SEC. 9. Every person who knowingly or willingly encourages, aids, contributes to, or in any way causes any child under the age of sixteen years to violate any law of this state or the ordinances of any town or city in this state, or who knowingly or willfully encourages, aids, contributes to, or in any way causes any such child to be guilty of any vicious or immoral conduct, or who, being the parent, parents, legal guardian, or person having the custody or the control of any such child, permits or suffers such child to habitually associate with vicious, immoral, or criminal persons, or to grow up in ignorance, idleness, or crime, or to wander about the streets of any city in the night time without being in any lawful business or occupation, or to enter any house of ill-fame, policy shop, or place where any gambling is carried on or gaming device is operated, or to enter any saloon where intoxicating liquors are sold, shall be guilty of a misdemeanor, and upon conviction thereof be fined not exceeding five hundred dollars or be imprisoned not exceeding one year.

G. L. 1909: Ch. 140.

SECTION 1. Whenever complaint shall be made in writing and under oath to any justice or clerk of a district court that any child under the age of seventeen years within the district of such justice or clerk is entirely abandoned, or treated with gross and habitual cruelty by the parent or other person having the custody or control of such child, or that such child is an habitual sufferer for want of food or clothes by reason of the wrongful neglect of the parent or other person having the custody or control of such child, or that such child is in any manner being used or permitted to be used by the parent or other person having the custody and control of such child, for wanton,

cruel, or improper purposes, or is by the parent or other person having custody or control of such child compelled to do wanton and wrongful acts, or whose home, by reason of the neglect, cruelty, drunkenness, or depravity of the parent or other person having the custody or control of such child, is an unfit place for such child to live in, or is a resort for lewd, wanton, drunken, or dissolute persons, or whose health and life are endangered by the occupation in which it is permitted by the parent or other person having the custody or control of such child to engage, or who is in any manner wrongfully induced, constrained, or allowed by the parent, or other person having the custody or control of such child, to beg, steal, or in any manner wrongfully to impose upon others for the benefit of such child, or of the parent or other person having the custody or control of such child, or that such child is neglected and has not proper care and oversight by the parent or other person having the custody or control of such child, such justice or clerk, if satisfied that there is reasonable cause for such complaint, shall issue a warrant returnable forthwith, annexing thereto such complaint or reciting the substance of the same therein, directed to the sheriff, deputy sheriffs, town sergeants, and constables in the county in which such district is, and to the like officers in the county in which the parent or other person having the custody or control of such child may be supposed to belong, reside, or be found, and requiring the officer who shall be charged with the service of said warrant forthwith to apprehend the parent or other person having the custody or control of such child and have him before the district court of such district.

SEC. 2. Whenever any such person so complained of and apprehended shall be brought before any such court, the court shall inquire into the truth of the complaint and into the circumstances and ability of the respondent to support such child; and if it shall appear that the complaint is true, and that the respondent is of sufficient ability to support or to contribute towards the support of such child, the court shall order the respondent to pay into the registry of the court from time to time by installments or otherwise, and for such period of time, as said court shall determine, such sum or sums as in the judgment of said court may be just and proper for the support of such child, whether such child shall have been assigned to the custody of the Rhode Island Society for the Prevention of Cruelty to Children, to any other society, institution, or otherwise; and said respondent shall thereupon be sentenced to enter into recognizance with sufficient surety or sureties, and in such sum as the court shall direct, with condition to abide and perform the order of said court, and make the payments as ordered by said court, and to pay the costs of said complaint and warrant.

SEC. 3. Upon complying with such sentence the respondent shall be discharged; but on neglecting to do so he shall be committed to the jail in the same county, there to remain until he shall enter into the recognizance required by such sentence before the justice or clerk of said district court, or before some justice of the peace authorized to take bail in the county, and pay all costs.

Sec. 5. All moneys so paid into the registry of the court may be applied and paid over by such court for the support and welfare of the child on account of whom such order was made, to such society, institution, or person having the charge, care, or custody of such child, as said court shall direct.

Sec. 6. Any person committed to the jail by virtue of this chapter may, on application for that purpose, be discharged from imprisonment by the court, by whom the order and sentence in his case were made, at such time and on such terms and conditions as said court may deem expedient. Said court may issue writs of habeas corpus to bring before it any person so committed to jail for hearing of such application, or for the purpose of giving such recognizance.

Sec. 7. (as amend. 1910: 551.)

Whenever any agent of the Rhode Island Society for the Prevention of Cruelty to Children shall make any complaint under the provisions of this chapter, such agent shall not be required to enter into any recognizance for costs. All costs and expenses attending the making of any such complaint by any agent of said society, and the proceedings thereon, under the provisions of this chapter, shall be paid by the state.

B. PROVISION FOR THE SUPPORT OF DELINQUENT, NEGLECTED, OR DEPENDENT CHILDREN BY THE PARENT OR PERSON HAVING CUSTODY OR CONTROL.

G. L. 1909: Ch. 347.

Sec. 39. Every person who shall abandon his wife or children, leaving them in danger of becoming a public charge, or who shall neglect to provide according to his means for the support of his wife or children, or who, being an habitual drunkard, shall neglect or refuse to aid in the support of his family, shall be deemed guilty of a misdemeanor and shall be imprisoned not less than six months nor more than three years in the state workhouse and house of correction or not more than one year in the county jail in the county where he shall have been convicted, and the jurisdiction to try and sentence offenders under this section is conferred upon district courts.

G. L. 1909: Ch. 93.

Sec. 5. The kindred of any such poor person, if any he shall have, in the line or degree of father or grandfather, mother or grandmother, children or grandchildren, by consanguinity, or children by adoption, living within this state and of sufficient ability, shall be holden to support such pauper in proportion to such ability.

G. L. 1909: Ch. 139.

Sec. 10. (Enacted 1910: 550, as amend. 1922: 2214.)

Every person having the custody or control of any child under the age of eighteen years who shall abandon such child, or who shall treat such child with gross and habitual cruelty, or who shall

wrongfully cause or permit such child to be an habitual sufferer for want of food or clothing, proper care or oversight, or who shall use or permit the use of such child for any wanton, cruel or improper purpose, or who shall compel, cause or permit such child to do any wanton or cruel act, or who shall cause or permit the home of such child to be the resort of lewd, drunken, wanton or dissolute persons, or who by reason of neglect, cruelty, drunkenness, or depravity, shall render the home of such child a place in which it is unfit for such child to live, shall be guilty of a misdemeanor and shall for every offense, be imprisoned not exceeding one year or be fined not exceeding two hundred and fifty dollars, or be both fined and imprisoned as aforesaid, and shall forfeit any right which he may have had to the custody of such child, and such child may be placed in the custody of the penal and charitable commission, and may be eligible for legal adoption.

Sec. 11. (enacted 1910: 550.)

No proceedings instituted under any of the provisions of this chapter shall in any manner affect or be affected by any proceedings which may be instituted under any of the provisions of Chapter 140 of the General Laws.

C. PROPERTY RIGHTS OF CHILDREN.

G. L. 1909: Ch. 313.

SEC. 6. The wearing apparel of the widow and minor children of a deceased person shall belong to them, respectively. The widow shall be entitled, for herself and for the family under her care, to such household effects, supplies, and, in addition thereto, such other personal property of the husband, exempt from attachment by law, as the probate court shall deem necessary, having regard to all the circumstances of the case; or, if there is no widow, the minor children shall be entitled to the same or the use thereof in such manner as the court shall direct.

SEC. 7. The probate court shall make reasonable allowance out of the estate of the deceased for the support of his family, until the same can otherwise be provided for, not exceeding six months from the date of the decease, having regard to the situation of the family and the value and circumstances of the estate. Such allowance may be fixed at any time within one year after publication of notice of the qualification of the executor or administrator, upon his application or that of any party in interest. After exhausting the personal property, real estate may be sold to provide the amount of allowance decreed, in the same manner as for the payment of debts.

SEC. 8. Such part of the personal property as the court shall allow to the widow or family of the deceased, although inventoried, shall not be assets in the hands of the executor or administrator.

G. L. 1909: Ch. 319.

SEC. 14. Whenever it shall appear in the final account of an executor or administrator that the estate of a minor or person non compos mentis in his hands does not exceed five hundred dollars, the

same may be applied or disposed of in such manner as the probate court shall deem for the advantage of the said minor or person non compos mentis.

G. L. 1909: Ch. 237.

SEC. 7. Every person not under guardianship, who may make a deposit personally in any bank, savings bank, or trust company, may control, transfer, or withdraw the money so deposited, and the dividends or interest that have accrued or may accrue thereon, notwithstanding such person at the time of exercising such control or of making such transfer or withdrawal may be a minor.

G. L. 1909: Ch. 302.

SEC. 5. The following goods and property shall be exempt from attachment on any warrant of distress or on any other writ, original, mesne, or judicial:

13. The salary and wages of the wife and of the minor children of any debtor.

D. CUSTODY AND CARE OF CHILDREN OF SEPARATED OR DIVORCED PARENTS.

G. L. 1909: Ch. 247.

SECTION 1. Divorces from the bond of marriage shall be decreed in case of any marriage originally void or voidable by law, and in case either party is for crime deemed to be or treated as if civilly dead, or, from absence or other circumstances, may be presumed to be actually dead.

SEC. 2. Divorces from the bond of marriage shall also be decreed for the following causes: Impotency, adultery, extreme cruelty, wilful desertion for five years of either of the parties, or for such desertion for a shorter period of time in the discretion of the court, for continued drunkenness, for the habitual, excessive, and intemperate use of opium, morphine, or chloral, and for neglect and refusal, for the period of at least one year next before the filing of the petition, on the part of the husband to provide necessities for the subsistence of his wife, the husband being of sufficient ability; and for any other gross misbehavior and wickedness, in either of the parties, repugnant to and in violation of the marriage covenant.

SEC. 3. Whenever in the trial of any petition for divorce from the bond of marriage, it shall be alleged in the petition that the parties have lived separate and apart from each other for the space of at least ten years, the court may in its discretion enter a decree divorcing the parties from the bond of marriage, and may make provision for alimony.

SEC. 4. Whenever it shall appear that the absence, adultery, cruelty, desertion or other cause of complaint as aforesaid was committed or occasioned by the collusion of the parties, and done or contrived with an intention to procure a divorce, in such case no divorce shall be decreed.

Sec. 5. (as amend. 1917: 1532.)

Whenever a divorce is granted for fault on the part of the husband, the wife shall have dower as if the husband were dead; but such dower shall be claimed on proceedings begun within six months after the absolute decree, and, if not claimed within said period, or if claim be made for alimony within said period, then dower shall be deemed to be waived and released, and the only relief of the wife shall be a claim for alimony chargeable upon the estate of the husband, or some specific portion thereof, as the court may decree.

SEC. 6. Whenever a divorce is granted for fault on the part of the wife, the husband, if he be entitled to curtesy-initiate, shall have a life-estate in all the lands of the wife as if the wife were dead, but subject to such allowance to the wife, to be charged on such life-estate, as the court in the peculiar circumstances of the case may deem just and proper.

SEC. 10. No petition for divorce from the bond of marriage shall be granted unless the petitioner shall have been a domiciled inhabitant of this state and have resided therein for the period of two years next before the preferring of such petition: *Provided*, that if the defendant shall have been a domiciled inhabitant of this state and shall have resided in this state for the period of two years next before the preferring of such petition, and shall be actually served with process, the above requirement as to domicile and residence on the part of the petitioner shall be deemed to have been satisfied and fulfilled.

SEC. 14. The said court may regulate the custody and provide for the education, maintenance, and support of children of all persons by them divorced or petitioning for a divorce, and of all persons to whom a separate maintenance may be granted or who may petition for the same; may in its discretion make such allowance to the wife, out of the estate of the husband, for the purpose of enabling her to prosecute or defend against any such petition for divorce or separate maintenance, in case she has no property of her own available for such purpose, as it may think reasonable and proper; which allowance shall be so far regarded as a judgment for debt that suits may be brought or executions may issue thereon for amounts due and unpaid, from time to time, to be shown by affidavits of the person entitled to the same and the attorney of record of such person, such executions to run against the goods and chattels of the husband, and for want thereof against his body; and the court may make all necessary orders and decrees concerning the same and the same at any time may alter, amend, and annul for sufficient cause, after notice to the parties interested therein.

SEC. 15. Any woman to whom a divorce from the bond of marriage is decreed may be authorized by such decree to change her name subject to the same rights and liabilities as if her name had not been changed.

SEC. 17. No person shall be entitled to a divorce from the bond of marriage unless the defendant shall, in accordance with rules adopted by the court, have been personally served with process, if

within the state, or with personal notice duly authenticated, if out of the state, or unless the defendant shall have entered an appearance in the cause; or unless it shall appear to the satisfaction of the court that the petitioner does not know the address nor the residence of the defendant and has not been able to ascertain either after reasonable and due inquiry and search for six months, in which case the court, or in vacation a judge thereof, may authorize notice by publication of the pendency of the petition for divorce to be given in a manner provided by law.

SEC. 18. No divorce from the bond of marriage shall be granted solely upon default nor solely upon admissions by the pleadings, nor except upon trial before the court in open session; nor shall such divorce be granted where the court is satisfied that there has been any collusion or corrupt conduct by the parties, or either of them, in regard to the proceedings to obtain the same.

SEC. 19. After final decree for divorce from the bond of marriage either party may marry again; but no decree for such divorce shall become final and operative until six months after the trial and decision.

G. L. 1909: Ch. 245.

SECTION 1. Whenever any married woman shall have come from any other state or country into this state without her husband, he never having lived with her in this state, and shall have resided in this state, without her husband, for the space of one year continuously, she shall have the exclusive care, custody and guardianship of her minor children, if any be living with her, in like manner and in all respects as if she were unmarried.

SEC. 2. If, during her separate residence, such married woman shall have obtained a decree of divorce against her said husband under the laws of this state, or if her said husband, previous to his coming into this state, shall have caused the marriage contract to be dissolved by an act or decree of divorce obtained against her in any state or country, in any suit or proceeding to which she is not a voluntary party nor present thereat, so as to have like opportunity of defence as she would have if such suit were brought against her in this state, she shall not thereafter be liable in this state, if resident therein for the space of six months, to be deprived by her late husband of the custody of any infant child.

SEC. 3. If, however, upon petition of her former husband to the superior court, served upon her by copy and citation, the return day whereof shall be at least thirty days after the date of such service, and setting forth substantially the whole subject-matter of complaint against her, it shall be made to appear by evidence that she is not a person of good moral character, suitable to have charge of her children, the court may, in its discretion, having regard to the well-being of the infant, order its custody to be changed.

SEC. 4. The superior court, on application of any such woman, either before or after said divorce, on her giving satisfactory evidence of her having resided one year in this state next before said application, separate from her husband and without being supported by him,

may appoint a guardian of the person and estate of such children, in the same manner that courts of probate are now authorized to appoint guardians of minors.

E. RESTRICTIONS ON MARRIAGE.

G. L. 1909: Ch. 243.

SECTION 1. No man shall marry his mother, grandmother, daughter, son's daughter, daughter's daughter, stepmother, grandfather's wife, son's wife, son's son's wife, daughter's son's wife, wife's mother, wife's grandmother, wife's daughter, wife's son's daughter, wife's daughter's daughter, sister, brother's daughter, sister's daughter, father's sister, mother's sister.

SEC. 2. No woman shall marry her father, grandfather, son, son's son, daughter's son, stepfather, grandmother's husband, daughter's husband, son's daughter's husband, daughter's daughter's husband, husband's father, husband's grandfather, husband's son, husband's son's son, husband's daughter's son, brother, brother's son, sister's son, father's brother, mother's brother.

SEC. 3. If any man or woman shall intermarry within the degrees aforesaid, every such marriage shall be null and void, and the issue thereof shall be deemed and adjudged illegitimate and be subject to all the disabilities of such issue.

SEC. 4. The provisions of the preceding sections shall not extend to, or in any way affect, any marriage which shall be solemnized among the Jews, within the degrees of affinity or consanguinity allowed by their religion.

SEC. 5. All marriages when either of the parties shall be an idiot or lunatic at the time of such marriage, shall be absolutely void; and no dower shall be assigned to any widow in consequence of such marriage, and the issue shall be deemed illegitimate and be subject to all the disabilities of such issue.

SEC. 18. If any person shall have any lawful objection to the marriage of any two persons he may state the same in writing, under his hand, to the minister, elder, justice, or warden about to solemnize the same, whereupon such minister, elder, justice, or warden shall proceed no further in such marriage until such lawful objection be removed.

Sec. 6. (as amend. 1909: 430.)

No minister or elder of any religious denomination shall join any persons in marriage in this state until he shall have obtained a clergyman's license as hereinafter provided. Such license may be obtained by residents of this state from the clerk of the town or city wherein such minister or elder resides, and any non-resident minister or elder who is pastor of any church in this state which has no other pastor competent to act or any bishop or other similar officer who is the official head of the religious work of his denomination in this state may obtain such license from the secretary of the state board of health. The fee for each of such licenses shall be one dollar.

Upon issuing any such license said town or city clerk or secretary shall record the name, residence, and denomination of such licensed clergyman, together with the name of the parish with which he is associated, if any, in a book kept for that purpose. Any such license now or hereafter issued by any town or city clerk shall be valid until such time as the holder thereof shall become domiciled outside this state: *Provided*, that any such licensed clergyman removing from one town to any other town in the state shall notify the registrar of the town to which he shall remove, and furnish the facts heretofore mentioned, and in addition thereto the name of the town in which he was licensed. Said licensed clergyman's name shall thereupon be recorded in said book, and in addition thereto such clerk shall enter the name of the town in which said clergyman obtained his license.

Every registrar upon receiving notice, as hereinafter provided, of the removal to some other town of any clergyman licensed in his town shall enter upon the record of the original license the name of the town to which such clergyman shall have removed.

The clerk of each town or city shall forthwith after the passage of this act furnish the secretary of the state board of health with a list of the clergymen heretofore licensed in such town who are now resident therein, together with the other facts required, and hereafter upon issuing any such license shall furnish the name and similar facts concerning the clergyman to whom such license is issued, and shall also furnish the name and similar facts concerning any licensed clergyman who shall notify him of a transfer of his residence to such town. The secretary of the state board of health, upon receiving any list of licensed clergymen or any notification of any transfer of any such clergyman, forthwith shall send the names and other facts concerning such licensed clergymen to the clerks of the several towns and cities, and in a like manner shall notify the town and city clerks whenever he shall issue a license to any non-resident clergyman.

Sec. 8. (as amend. 1922: 2207.)

Every such minister or elder so licensed, every justice of the supreme or superior court, every justice, associate justice, and every clerk of a district court, may join persons in marriage in any town in this state; and the wardens of the town of New Shoreham may join persons in marriage in said town.

Sec. 10. (as amend. 1909: 430.)

Persons intending to be joined together in marriage in this state must first obtain a license from the clerk of the town or city in which they reside, or, if residents of different towns in the state, from the town or city clerk of the town in which they respectively reside, or, if not residents of this state, from the clerk of the town or city in which the marriage is to be solemnized: *Provided*, that if the woman is not a resident of this state she shall obtain such license at least five days previous to the marriage. Before any license shall be issued to any person who has been previously married such person shall present to the town or city clerk either an authenticated copy of the decree granting a divorce from, or a certificate of the death of,

the person to whom he or she was formerly married, or such other proof of said facts as may be satisfactory to such town or city clerk.

For issuing such license the town or city clerk shall be entitled to a fee of one dollar: *Provided*, that when the persons intending to be joined in marriage live in different towns or cities in this state the fee shall be fifty cents in each town or city. Such license shall be presented to the minister, elder, justice, warden, or other person who performs the marriage ceremony.

Sec. 11. (as amend. 1909: 430.)

No minor or or person under the control of a parent or guardian shall be allowed to give and subscribe to the information provided for in section ten of this chapter, or shall receive the license provided for therein, unless the consent in writing of the parent or guardian, given in the presence of the town or city clerk, or any clerk employed in the office of said town or city clerk, shall have been first obtained: *Provided*, that such information may be given and subscribed by, and such license may be issued to, any person over eighteen years of age residing in this state who has no parent or guardian in this state competent to act, or to any person over eighteen years of age who is not a resident of this state who has no parent or guardian in the United States competent to act, and the town or city clerk in such cases shall have power to administer an oath relative thereto; *and provided*, further, that such information may be given and subscribed by any minor residing in this state, upon the consent in writing of the overseer of the poor of the town or city in which such minor resides, given in the presence of the town or city clerk, or any clerk employed in the office of said town or city clerk.

Sec. 12. No minister, elder, justice, warden, or other person shall join any persons in marriage until each of such persons has presented to him the license named in section ten of this chapter, and signed the certificate appended thereto.

Sec. 13. Every minister, elder, justice, warden, or other person who shall join any persons in marriage shall endorse upon the back of the license presented to him by such persons, as provided in section twelve of this chapter, that such persons have been joined in marriage by him.

Every person who shall join any persons in marriage shall on or before the second Monday of the month succeeding the date of such marriage, return said license, so endorsed by him, to the town or city clerk of the town or city in which such marriage was solemnized, and shall receive for such return a fee of twenty-five cents to be paid by said town or city: *Provided*, said return is made within the time limited by, and in accordance with, the provisions of this chapter.

Sec. 14. The several town and city clerks shall record, in separate books to be kept by them for that purpose, the information furnished to them and subscribed to as provided in section ten of this chapter.

Sec. 15. In the city of Providence the registrar of births, deaths, and marriages shall perform the duties devolved upon town and city clerks by the provisions of this chapter, and all information herein

provided to be furnished to town and city clerks shall in said city be furnished to said registrar.

SEC. 16. The town or city clerk to whom the return of marriage provided for in section thirteen shall be sent shall carefully file and preserve the same.

SEC. 17. The solemnization of marriage shall be in the presence of at least two witnesses besides the minister, elder, justice or warden officiating.

SEC. 19. Every minister, elder, justice, or warden, or other person who shall join persons in marriage without first receiving the license required by this chapter, containing the information therein required, or whenever the solemnization of such marriage has been lawfully objected to and the impediment is not removed, shall be imprisoned not exceeding six months, or be fined not exceeding one thousand dollars.

SEC. 20. Every minister, elder, justice, warden, or other person authorized to join persons in marriage, including those authorized to join in marriage according to the Jewish religion, who shall fail to perform any of the duties devolved upon him by this chapter shall be fined not exceeding one hundred dollars.

SEC. 21. Every person authorized by law to join persons in marriage who shall join in marriage any woman or man whom he knows to have a husband or wife living, shall be imprisoned not exceeding six months or fined not exceeding one thousand dollars.

SEC. 22. No marriage solemnized before a person professing to have a license to join persons in marriage as required by this chapter, or professing to be a justice of the supreme or superior court, or a warden of the town of New Shoreham, or solemnized in the Society of Friends, or among persons professing the Jewish religion according to their respective rites and ceremonies, shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected by want of jurisdiction or authority in such person or Society nor by reason of non-compliance with any of the requirements of this chapter, if the marriage is in other respects lawful and has been performed with a full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage. But whoever shall give, or procure to be given, any false information as to the requirements under section ten of this chapter, or whoever shall be married without duly proceeding as by this chapter is required, shall be fined not exceeding fifty dollars.

SEC. 23. Every person who shall solemnize a marriage without being legally authorized thereto shall be fined five hundred dollars.

SEC. 24. (as added 1917: 1531.)

So much of section 10 of this chapter as requires that a woman who is not a resident of this state shall obtain a marriage license at least five days previous to her marriage, shall not apply to female immigrants arriving in any port in this state from a foreign country, but any such female immigrant may obtain a license to marry at any time previous to her marriage.

F. ADOPTION.

G. L. 1909: Ch. 244.

Sec. 1. (as amend. 1910: 544; 1915: 1197.)

Any person may petition the municipal court or probate court for leave to adopt as his child any person younger than himself, and, if desired, for a change of such child's name, but the prayer of such petition by a person having a husband or wife shall not be granted unless the husband or wife joins therein. The court of the town in which the child to be adopted resides shall have exclusive original jurisdiction of such petition.

Sec. 2. (as amend. 1915: 1197.)

The parents of the child, or the survivor of them, shall, except as herein provided, consent in writing to such adoption, or such petition shall be dismissed. If neither parent be living, the guardian of the child, or, if there be no guardian the next of kin in this state, may give such consent; or if there be no next of kin, the court may appoint some suitable person to act in the proceedings as next friend of the child, and to give or withhold such consent: *Provided*, that if the child be of the age of fourteen years or upwards, the adoption shall not be made without its consent. In case such child to be adopted is of full age, the consent of its parents or other person in its behalf shall not be required.

SEC. 3. If either parent be insane, or under guardianship, or imprisoned in the state prison under a sentence for a term not less than three years, or has willfully deserted and neglected to provide proper care and maintenance for the child for one year next preceding the time of filing the petition, the court shall proceed as if such parent were dead, and, in its discretion, may appoint some suitable person to act in the proceedings as next friend of the child and give or withhold the consent aforesaid.

SEC. 4. If a parent does not consent to the adoption of his child, the court shall order a copy of the petition and order thereon to be served on him, personally, if found in the state; and if not, to be published once a week for three successive weeks in such newspaper published in the county as the court directs, the last publication to be at least four weeks before the time appointed for the hearing. Like notice shall also be published whenever a child has no parent living and no guardian or next of kin in this state. The court may order such further notice as it deems necessary or proper.

SEC. 5. If, upon such petition so presented and consented to, the court be satisfied of the identity and relations of the persons and that the petitioner or petitioners are of sufficient ability to bring up the child and furnish suitable nurture and education, having reference to the degree and condition of its parents, and that it is fit and proper that such adoption should take effect, a decree shall be made setting forth the facts and ordering that from the date of the decree the child shall, to all legal intents and purposes, be the child of the petitioner or petitioners.

SEC. 6. A child so adopted shall be deemed, for the purposes of inheritance by such child and all other legal consequences and incidents of the natural relation of parents and children, the child of the parents by adoption, the same as if he had been born to them in lawful wedlock, except that he shall not be capable of taking property expressly limited to the heirs of the body or bodies of the parents by adoption, nor property from the lineal or collateral kindred of such parents by right of representation.

SEC. 7. The parents of such child shall be deprived, by the decree, of all legal rights respecting the child, and the child shall be freed from all obligations of maintenance and obedience respecting his parents.

SEC. 8. Any petitioner may appeal to the superior court from the decree of the probate court on such petition, and any child made the subject of such petition may, by next friend, appeal in like manner, but no bond shall be required of or costs awarded against such child or next friend.

SEC. 9. A parent who has not, before the hearing upon a petition for the adoption of his child, had personal notice thereof, may, at any time within one year after actual notice, apply to the superior court to reverse the decree. Said court, after due notice, may in its discretion reverse the same, if it appear that any of the material allegations in the petition were not true.

SEC. 10. If, in a petition for the adoption of a child, a change of the child's name be requested, the court, upon decreeing the adoption, may also decree such change of name and grant a certificate thereof.

G. ILLEGITIMATE CHILDREN.

G. L. 1909: Ch. 95.

SECTION 1. In case any unmarried woman is found to be with child or shall have been delivered of a child, the overseer of the poor of the town in which such unmarried woman shall reside or belong may and, upon the payment of such sum or the giving of such security as he shall deem sufficient to indemnify such town for the expenses of the lying-in of such woman and the support of such child and the expenses of the town in that behalf, shall accept such sum or security, whether before or after complaint and suit, and thereupon shall stay all further proceedings in the case.

SEC. 2. Upon the examination of any unmarried woman, taken before any justice or clerk of a district court in whose jurisdiction she may reside or belong, alleging on oath in writing that she is with child or has been delivered of a child, and naming the father thereof, such justice or clerk, on complaint of the overseer of the poor of such town, may issue a warrant commanding the person she shall charge to be the father of said child to be brought before said district court to be dealt with according to law.

SEC. 4. (as amend. 1915: 1215.)

If said accused shall plead "guilty" or "nolo contendere" before said district court, said district court shall adjudge him to be the putative father of said child and shall order him to pay to said

overseer of the poor, by installments or otherwise, such sum as shall in the judgment of said court be necessary to defray the expenses of the lying-in of such woman and the support of said child, and of the other expenses of said town in connection with said complaint and the costs of said complaint. If said accused shall plead "not guilty" to said complaint before said district court a trial shall be had, and said accused shall be required by said court to recognize with sufficient surety or sureties, in such sum as said court shall direct, to appear before said court for trial, whenever the same shall be held and also to abide and perform the order of said court. If on such trial the accused person shall be adjudged by said court to be the putative father of said child, the like order shall be made as if he had pleaded "guilty" or "nolo contendere" before said court; and whenever payment shall be ordered by said district court to be made by installments, the court may also order security, or a bond with surety or sureties, to be given to said overseer of the poor for the payment of said installments. From all such judgments and orders of said district court, there shall be an appeal to the superior court for the county in which said district court is holden, such appeal to be claimed in said district court within five days after such judgment and order, and said respondent shall be required to recognize with surety or sureties, in such sum as said district court shall direct to appear in the superior court on the assignment day for said appeal, and whenever his appeal is called for trial, and there prosecute his appeal with effect, and abide and perform the order of said superior court thereon.

Sec. 5. (as amend. 1915: 1215.)

If the woman shall not have been delivered at the time of the return of said warrant, said district court may continue the complaint for hearing or trial before said district court from time to time or to such time as said woman shall have been delivered, and may require said respondent to recognize with surety or sureties for his appearance at such time.

SEC. 6. In case of the death of said child before or after complaint made as aforesaid, said district court on complaint made may order the payment of the expenses of the lying-in of the mother, the support of said child and the expenses of its sickness and burial, and all costs and expenses of said town in that behalf.

SEC. 7. The trial in the superior court shall be by jury unless waived by the parties, when the same shall be by the court.

SEC. 8. No appeal shall be had from the judgment and order of the superior court in such cases, but new trials may be granted on petition of either party under like restrictions as in civil cases.

Sec. 9. (as amend. 1915: 1215.)

If on trial in the superior court the jury shall find the respondent guilty, or if, on waiver of a trial by jury, he shall be adjudged guilty by the court, or if said respondent shall plead guilty or nolo contendere, said superior court shall make a new order requiring said respondent to pay to said overseer of the poor, by installments or otherwise, such sum as shall in the judgment of said court

be necessary to defray the expenses of the lying-in of such woman and the support of said child, and of the other expenses of said town in connection with said complaint and the costs of said complaint, and whenever payment shall be ordered by the superior court to be made by installments, the court may also order security, or a bond with surety or sureties, to be given to said overseer of the poor for the payment of said installments.

SEC. 10. The said overseer of the poor shall be entitled to an appeal to the superior court on entering into a recognizance to prosecute such appeal with effect, or in default thereof to pay all costs which may accrue on said complaint to said respondent or to any other person; and in case said accused shall be acquitted, he shall recover of said overseer of the poor all the costs to which he may have been put by reason of said complaint.

SEC. 11. Depositions, taken according to the law regulating the taking of depositions in civil cases, may be used in the trial of such cases before said district court and superior court.

Sec. 12. (as amend. 1915: 1215.)

If the accused shall fail to appear in pursuance of any recognizance requiring him to appear before said district court, said court may proceed to make an order as if said accused had appeared and pleaded guilty to said complaint, or if said accused shall fail to appear before the superior court as required by recognizance, or on appeal from said district court to the superior court, the superior court shall proceed to make an order as if said accused had appeared and pleaded guilty to said complaint, and in all such cases said recognizance shall be held good as security for the performance of said order.

Sec. 14. (as amend. 1915: 1215.)

Any respondent, who shall neglect or fail to comply with the order of any court requiring him to make payment, or to give security, or bond, or recognizance in accordance with the provisions of this chapter, shall be committed to the jail in the county, in which such court is, there to remain until he shall comply with such order, or be discharged pursuant to law. If any person committed to jail by virtue of this chapter is poor and unable to pay such sum or sums as may be ordered, or to comply with the order of the court, the court by whom said order was made, on application for that purpose, may at any time wholly discharge such person from such jail and imprisonment, or at any time may release him from such imprisonment in jail for such time or times and on such terms and conditions as it may deem expedient. Whenever such person so released shall fail or neglect to abide by or perform the terms and conditions of his release, such court may issue a *capias* to apprehend him, and may commit him again to such jail, there to remain, until he shall have complied with the original order made by said court, or be discharged or released in accordance with the provisions of this section, or be discharged pursuant to law.

SEC. 15. In case any unmarried woman, having no legal settle-

ment in this state, is with child or has been delivered of a child, the agent of state charities and corrections shall have all the powers and shall perform the same duties as are conferred upon or required of the overseers of the poor in relation to bastard children.

SEC. 16. Complaint in such cases may be made by the agent of state charities and corrections in behalf of the state, to any justice or clerk of a district court in the county in which such unmarried woman shall be found, and like proceedings shall be had as herein required in cases of complaint made by an overseer of the poor under the provisions of this chapter.

SEC. 17. Whenever the overseer of the poor of any town shall be the justice or clerk or assistant justice of the district court having jurisdiction in such town, every complaint under the provisions of this chapter shall be brought before and heard by the district court in any adjoining district.

SEC. 18. No complaint under the provisions of this chapter shall abate by reason of the death of the complainant, but the successor in office of the complainant may appear and prosecute said complaint to final judgment in the same way as the original complainant could have prosecuted the same if he had survived.

H. GUARDIAN AND WARD.

G. L. 1909: Ch. 321.

SECTION 1. The probate court in each town, if occasion shall require, shall have power to appoint or approve guardians of the persons and estates or of the person or estate of minors and others who shall reside or have a legal settlement in the town, and of the estate within this state of minors or others who reside without this state and have estate within said town.

SEC. 2. A probate court may appoint a guardian of a minor under the age of fourteen years.

SEC. 3. A minor of the age of fourteen years or over may nominate his own guardian, who, if approved by the probate court, shall be appointed accordingly.

SEC. 4. If a minor of the age of fourteen years shall neglect to choose a guardian when cited by the court so to do, or shall choose one whom the court does not approve, or one who shall neglect to give bond as required by the court or by law, the court may appoint a guardian in the same manner as if the minor were under the age of fourteen years.

SEC. 5. Every person authorized by law to make a will may appoint by will, subject to the approval of the probate court, a guardian or guardians for his minor children, whether born at the time of making the will or afterwards, to continue during the minority of such children or for a less time: *Provided*, that, in the case of husband and wife, the survivor, being otherwise qualified, shall be guardian of their children.

SEC. 6. A non-resident shall not be appointed or approved as guardian of a minor resident in this state, but this provision shall not apply to a testamentary guardian.

G. L. 1909: Ch. 330.

SEC. 11. If, in any action of partition, the defendant shall be an infant, of unsound mind or otherwise incapacitated to take care of his right and estate, the court before which such action shall be pending shall appoint some discreet and disinterested person as guardian to defend such infant, person of unsound mind or person otherwise incapacitated, against such suit, and in case of judgment for partition, to attend to the partition to be made, and therein take charge of the interest of the person for whom he shall be appointed guardian.

G. L. 1909: Ch. 321.

SEC. 16. No person shall be appointed guardian of the person of another, unless notice of the application for such appointment has been served upon the intended ward in person at least fourteen days prior to any action on said application, except as provided in section nine, chapter three hundred nine: *Provided*, if the intended ward is a minor under the age of twelve years, in lieu of such personal service, notice may be served upon such of the next of kin of said ward, or other interested person or friend, as the court may direct.

SEC. 17. The court may remove any guardian appointed or approved by it who, by reason of absence, sickness, insanity, or other cause, shall become incapable of executing his trust, or who shall neglect or refuse to do the duties thereof, or who shall waste the estate of his ward, or who shall neglect or refuse to give a bond or sureties on his bond when ordered by the court. The court shall accept the resignation of any guardian after he has accounted with the court for the estate of his ward in his hands.

Sec. 19. (as amend. 1915: 1260, sec. 7.)

Within thirty days after his appointment, or such longer time as may be allowed by the probate court, a guardian shall return to the probate court, under oath, an inventory and appraisal of all the real and personal estate of his ward, to be made by a suitable, disinterested person or persons appointed by the court, which shall fix the number of such appraisers at one or three in its discretion. The appraisers shall be sworn to the faithful discharge of their trust.

SEC. 20. Creditors of a ward shall file statements of their claims in the office of the probate clerk. Such claims filed within said six months, if allowed or proved, shall be preferred in payment over all claims subsequently filed. Claims filed after said six months shall be payable only out of the surplus property remaining in the hands of the guardian after paying claims filed within said time and all expenses and all allowances made by the court.

SEC. 21. All legal demands against the ward, although due at a future day, may be filed and be payable with other claims, deducting interest for the anticipated payment.

SEC. 22. Every creditor shall file his post-office address in the office of the probate clerk, and, if requested, an affidavit in support of his claim, in the same manner as is provided in the case of claims against estates of deceased persons.

SEC. 23. Within thirty days after the expiration of said six months the guardian shall file in the office of the probate clerk a statement disallowing such of the claims filed as he intends to contest, and shall give notice in writing, either personally or by registered mail, to claimants whose claims are disallowd.

SEC. 24. No action shall be brought or prosecuted against any person under guardianship within seven months after the first publication of said notice. A creditor shall be entitled to his whole claim if the estate is solvent, or a dividend if the estate should prove insolvent, upon such sum as he may be allowed or recover. The party bringing suit, in addition to the service of the original writ, shall cause a true copy thereof to be served upon the guardian.

SEC. 25. If a guardian shall neglect to return a true inventory of his ward's estate or shall neglect to apply the real and personal estate of his ward to the payment of his debts, it shall be deemed a breach of his bond, and he and his sureties shall be liable to an action thereon by any creditor or person interested, and judgment shall be entered in such action and execution shall issue and recovery shall be had in like manner as on administration bonds.

SEC. 26. A guardian shall return to the probate court, in every year, his account, in the same manner as executors and administrators are by law required to do, and upon neglect shall be cited by the court so to do; and upon failure to comply with such citation for thirty days, without sufficient excuse, shall be accountable for the full value of the estate and property of his ward, and shall have no compensation; but the court may upon the application of the guardian excuse him from rendering an account in any year if satisfied that it is not necessary or expedient that it should be rendered.

SEC. 27. Probate courts are authorized to allow in the settlement of the accounts of any guardian such reasonable sums as the guardian shall have paid for the suitable support of his ward and family, and also a reasonable compensation to the guardian for his services.

SEC. 28. Guardians of minors shall take special charge of their education, and guardians appointed under the provisions of section seven shall take the like charge of the education of the children of their wards, unless guardians shall be appointed for such children; and the estates of such wards, and also the estates of minors, shall be liable for the education of such children and minors aforesaid in the same manner as far for their support and maintenance, and may be sold or mortgaged for that purpose.

SEC. 29. Every guardian of the person shall take suitable charge of the person over whom he shall be appointed guardian, and every guardian of the estate of another shall manage the same frugally and without waste, and shall apply the income and profits thereof, or so much thereof as may be necessary and proper, to the support and maintenance of the ward and his household or family.

SEC. 30. A guardian shall collect all the personal property of his ward and sell and apply the same or so much thereof as shall be necessary, at such time and in such manner as the court of probate shall direct, to the payment of all the debts of his ward; but if such property

shall be insufficient to pay such debts in full, then he shall pay the same ratably; except that debts due to the United States, debts due to this state, and state and town taxes shall be first paid and in the order in which they are named. Every claim against the ward, allowed by the guardian or found due by judgment, shall be a lien upon the real estate of such ward during his minority and for one year thereafter.

SEC. 31. A guardian may make application for the sale of the personal estate of his ward, or any of it, for better or more advantageous investment, or for the support of his ward and the ward's family, or for any other purpose beneficial to the ward, and for incidental charges. The application may be granted by the court of probate without notice. The court shall prescribe the manner in which the property shall be advertised and sold, and, in case of private sale, the minimum price. From the order granting such application there shall be no appeal.

SEC. 32. Whenever a guardian of the estate only is appointed, the property of the minor in the hands of the guardian shall not be chargeable with any debt against such minor contracted during the life of his father; but in case any part of the property of such minor is deemed necessary for his support or education, the same shall be paid out by the guardian for that purpose, under the advice and direction of the probate court.

SEC. 33. Guardians may be authorized to invest any money in their hands, not needed for the payment of debts or for the support or education of their wards, in notes secured by mortgage upon unincumbered improved real estate situated in this state, or in the bonds or other indebtedness of the United States or of this state, or in the bonds or notes of any city or town in this state, or to make deposits thereof in any savings bank or trust company in this state approved by the probate court, as he shall deem best for the interest of his ward; and may also, under direction of the probate court, invest any such money in real estate or bank stocks in this state or in such other safe income-producing securities as the probate court may approve.

SEC. 34. Whenever the ward is the owner of stock in any corporation, the guardian shall have and exercise in behalf of his ward all the rights and powers of voting, either personally or by proxy, and the right of examination of books, incident to such ownership.

SEC. 35. In all cases where a guardian and his ward are both non-residents of this state and the ward is entitled to property of any description in this state, the guardian, on producing satisfactory proof to the probate court of the town where any such property is situated, by certificates duly authenticated according to the act of congress in such cases, that he has given bond and security in the state in which he and his ward reside in double the value of the property of the ward, and it is found that a removal of the property will not prejudice the interest of any other person therein, then the guardian may demand, sue for, recover, and remove any such property to the place of residence of himself or ward.

I. KIDNAPPING AND ABDUCTION.

G. L. 1909: Ch. 343.

Sec. 21. (as amend. 1909: 455; 1915: 1258, sec. 7.)

Every person who shall transport or carry, or cause to be transported or carried by land or water, any citizen of this state or any other person lawfully residing or inhabiting therein, of the age of eighteen years or over, to any place without the limits of this state, without his consent or voluntary agreement, except in order to remove such person from one part of the state to another part of the same, or for the purpose of defending the same in time of war, agreeably to law, or except such person be sent by due course of law, or except in the exercise of the rights of a bail or surety in any writ or recognizance, shall be punished by imprisonment for not more than ten years, or by a fine of not more than one thousand dollars, or by both.

Sec. 22. (as amend. 1915: 1258, sec. 8.)

Every person who willfully leads, takes, entices, away or detains a child under the age of eighteen years, with intent to keep or conceal it from the person or persons having the lawful care or control thereof, or to extort or obtain money or reward for the return or disposition of such child, or with intent to steal any article on or about the person of such child, or who by force or fraud unlawfully takes or carries away any such child at or from a place without this state, and afterwards sends, brings, has or keeps such child, or causes it to be kept or secreted in this state, and every person who procures, advises, aids or abets another in the violation of the provisions of this section, shall be punished by imprisonment for not more than ten years, or by a fine of not more than one thousand dollars, or by both.

J. THEATRES, BILLIARD HALLS, PAWNBROKERS, LICENSED TAVERNS.

G. L. 1909: Ch. 124.

SEC. 15. No person being the proprietor, manager or doorkeeper of any theatre, roller-skating rink, public dance-hall, vaudeville or other show, shall permit any boy under the age of fourteen years, or any girl under the age of sixteen years to enter or remain in such place of amusement owned or controlled by him or in which he is employed unless such boy or girl is accompanied by and in charge of a person of full age, not furnished or provided by any such proprietor, manager, or doorkeeper.

SEC. 16. Any person violating the provisions of the preceding section shall be fined not less than five nor more than twenty dollars for each offence.

G. L. 1909: Ch. 126.

SEC. 11. No person licensed by virtue of this chapter, shall permit any table, the use of which has been permitted under license granted to him, to be used by any minor under the age of eighteen years; and in case of such use being permitted, the person holding such license

shall thereupon forfeit the same, and shall be liable to the penalty imposed by the preceding section of this chapter.

SEC. 10. Every person who shall own, keep or use any such billiard table, bagatelle table, pool table, scippio table, or any table of similar character, without such license first had and obtained, shall be fined twenty dollars, or be imprisoned not exceeding three months, for each offence.

K. OFFENCES AGAINST CHASTITY, MORALITY, ETC.

G. L. 1909: Ch. 347.

SEC. 3. Whoever shall unlawfully and carnally know and abuse any girl under the age of sixteen years shall be imprisoned not exceeding fifteen years.

SEC. 4. Whoever shall attempt to have unlawful carnal knowledge of any girl under the age of sixteen years shall be imprisoned not exceeding ten years.

SEC. 5. Whoever by threats or intimidation procures or induces, or attempts to procure or induce, any woman or girl to have any unlawful carnal connection either with himself or with any other person, or by false pretences, false representations or other fraudulent means, procures or induces any woman or girl, not being a common prostitute or of known immoral character, to have unlawful carnal connection either with himself or with any other person, or applies, administers to, or causes to be taken by any woman or girl any drug, matter or thing with intent to stupefy or overpower so as thereby to enable himself or any other person to have unlawful carnal connection with such woman or girl, or, being above the age of eighteen years, shall by any means whatsoever procure or induce any girl under the age of eighteen years, and not of known immoral character, to have any unlawful carnal connection either with himself or with any other person, shall be imprisoned not exceeding five years: *Provided, however,* that no person shall be convicted of an offence under this section upon the evidence of one witness only, unless such witness be corroborated by other evidence.

Sec. 6. (as amend. 1910: 543; 1915: 1219.)

It shall be unlawful for any person to secure a female for a house of ill-fame, or to procure for a female a place as inmate for a house of ill-fame, or to procure for a female a place as inmate of a house of ill-fame, or by any promise, threat, or by abuse of person, or by any other device or scheme, to cause, induce, persuade or encourage a female to become a prostitute, or enter upon or lead a wanton or dissolute life, or become an inmate of a house of ill-fame, or enter a place in which prostitution is encouraged or allowed, or remain therein a such inmate, or come into this state or leave this state for the purpose of prostitution. It shall be unlawful for any person to receive or give, or agree to receive or give, any money or thing of value for procuring or attempting to procure any female to become a prostitute, or enter upon or lead a wanton or dissolute life,

or become an inmate of a house of ill-fame, either within or without this state, or come into this state or leave this state for the purpose of prostitution. It shall be unlawful for any person by any means to keep, hold or detain against her will or restrain any female in any place for the purpose of prostitution, or in a house of ill-fame or other place where prostitution is practiced or allowed for any purpose, or to directly or indirectly keep, hold, detain or restrain, or attempt to keep, hold, detain or restrain in any house of ill-fame or other place where prostitution is allowed or practiced, any female by any means for the purpose of compelling such female, directly or indirectly, to pay, liquidate, or cancel any debt, dues, or obligations incurred or said to have been incurred by such female. Every person who commits any of the aforesaid offences, or who assists, abets or aids another to commit any of such offences shall be guilty of pandering, and for the first offence shall be punished by imprisonment for not less than six months and not more than five years, and for every subsequent offence shall be punished by imprisonment for not less than one year and for not more than ten years. In any prosecution for any offence under this section, any female shall be a competent witness against the offender in relation to any such offence committed by such offender upon or against her, or by such offender against or upon another person or persons in her presence, notwithstanding such female may have been married to the offender before or after the commission of such offence, and notwithstanding such female be called as a witness during the existence of the marriage or after its dissolution. It shall not be a defence to any prosecution for any of the offences described in this section, that such offence or any part thereof shall have been committed outside the state, and any offence described in this section may be alleged to have been committed, and the offender may be prosecuted and punished therefor in any county in which the offender or the female upon or against whom such offence was committed may be found, or in which the offence was consummated, or in which any overt acts in furtherance of the offences shall have been committed.

Sec. 7. (as amend. 1915: 1219.)

Whenever there is reason to believe that any female has been inveigled, enticed, induced, persuaded or encouraged to enter a house of ill-fame or other place where prostitution is allowed or practiced, or is being kept, held, detained or restrained in any house of ill-fame or other place where prostitution is allowed or practiced, upon complaint being made thereof under oath by any overseer of the poor, sheriff, deputy-sheriff, chief of police, town sergeant or constable, or by the parent, master or guardian of such female, to any justice or clerk of a district court authorized to issue warrants, such justice or clerk may issue his warrant, to enter by day or night, such house of ill-fame or other place as aforesaid, and to search for such female, and to bring her and the person in whose possession or keeping she may be found, before such district court, who may, on examination order her to be delivered to such overseer, parent, master or guardian,

or to be placed in charge of a probation officer, or to be discharged in accordance with law.

Sec. 8. (as amend. 1915: 1219.)

Any person who shall be indicted for rape may also be charged in the same indictment with either or all of the offences described in Sections 3, 4, 5 and 6 of this chapter, and if upon trial the jury shall acquit such person on the charge of rape, and shall find him guilty of either of the other offences, judgment and sentence may be awarded against him accordingly.

Sec. 9. (as amend. 1915: 1219.)

Every person who shall commit fornication shall be fined not exceeding ten dollars. Persons within the degrees of consanguinity, within which marriage is by law prohibited or declared to be null and void, who shall intermarry, or commit adultery or fornication with each other, shall be imprisoned for not more than ten years.

SEC. 10. Every woman who shall conceal the birth of any issue of her body, which, if it were born alive, would be a bastard, so that it may not be known whether it was born dead or alive, or conceal the death of any infant bastard child born of her body, so that it may not be known whether such child was murdered or not, shall be imprisoned not exceeding ten months or be fined not exceeding three hundred dollars.

SEC. 13. Every person who shall import, print, publish, sell, or distribute any book, pamphlet, ballad, printed paper, or other thing containing obscene, indecent, or impure language, or manifestly tending to the corruption of the morals of youth, or any print, picture, figure, figment, or other description which is indecent, impure, or manifestly tending to the corruption of the morals of youth, or shall introduce into any family, school, or place of education, or shall buy, procure, receive, or have in his possession any such book, pamphlet, ballad, printed paper, or other thing either for the purpose of sale, exhibition, loan, or circulation, or with intent to introduce the same into any family, school, or place of education, shall be imprisoned not exceeding two years or be fined not exceeding one thousand dollars nor less than one hundred dollars.

P. L. 1919: Ch. 1740.

SEC. 13. Every person who shall sell or suffer to be sold to any woman any non-intoxicating beverages to be drunk on the premises, or who shall sell or suffer to be sold or deliver or suffer to be delivered any non-intoxicating beverages to any minor either for his own use, the use of his parent, or of any other person, or shall suffer or allow any woman or minor to drink non-intoxicating beverages on the premises except in a licensed tavern or a licensed victualling-house, or shall suffer or allow any minor or woman to sell or serve non-intoxicating beverages except in licensed taverns or licensed victualling houses, shall be fined one hundred dollars and be imprisoned not less than ninety days nor more than one year, and shall be thereafter for the term of five years disqualified for holding any license under this act.

G. L. 1909: Ch. 347.

SEC. 24. Every person who knowingly advertises, prints, publishes, distributes or circulates, or knowingly causes to be advertised, printed, published, distributed or circulated, any pamphlet, printed paper, book, newspaper, notice, advertisement or reference containing words or language giving or conveying any notice, hint or reference to any person, or to the name of any person, real or fictitious, from whom, or to any place, house, shop or office where, any poison, drug, mixture, preparation, medicine, or noxious thing, or any instrument or means whatsoever, or any advice, direction, information or knowledge, may be obtained for the purpose of causing or procuring the miscarriage of a woman pregnant with child, or who knowingly exhibits, advertises or sells to be used for such purpose any poison, drug, mixture, preparation, medicine, noxious thing, instrument or means whatsoever, or who with or without any charge therefor, gives to any person any advice, information, instruction or direction for the purpose of causing or assisting in any such miscarriage shall be punished by imprisonment for not more than two years, or by a fine of not more than one thousand dollars, or by both.

SEC. 29. No person shall sell, give or deliver to any minor under sixteen years of age any tobacco in the form of cigarettes. Any person violating the provisions of this section shall be fined not more than twenty dollars for each offence.

P. L. 1909: Ch. 435, Sec. 4.

SEC. 8. No pawnbroker shall receive in pledge or mortgage or by way of sale, either absolutely or with an agreement to sell back, any goods, note, bill, check, assignment or order for money or other property, or any article, thing, or property of any description, from any person, after receiving from any one of the officers mentioned in section three of said chapter, or the parent or guardian of any minor or person of unsound mind, written notice that such person is a minor or is of unsound mind, or neglects all lawful business, or that he habitually spends his time in frequenting houses of ill-fame, gaming houses or tippling houses, or that from drinking, gaming, idleness, or debauchery of any kind he is squandering his earnings or wasting his estate, or that he is likely to bring himself or family to want or to render himself or family a public charge, or that he is a known thief or suspected of thievery. No pawnbroker shall knowingly receive any pawn from any person under twenty-one years of age, or receive any pawn from any person in a visible state of intoxication from liquors, drugs, or narcotics. Any pawnbroker violating any provision of this section shall be fined not exceeding five hundred dollars, and his license shall thereupon become void.

G. L. 1909: Ch. 50.

SEC. 15. The town councils and boards of aldermen may license, regulate, and if they shall find it expedient, prohibit and suppress, theatrical performances, rope and wire dancing and all other shows and performances in their respective towns, conforming to law.

SEC. 16. They may tax, regulate, and, if they shall find it expedient, prohibit and suppress, bowling alleys and billiard tables in their respective towns, conforming to law.

SEC. 17. They may grant a license, for a term not exceeding one year, under such restrictions and regulations as they shall think proper, to the owner of any house, room or hall in the town, for the purpose of permitting exhibitions therein, which license shall be revocable at the pleasure of said town council.

SEC. 28. Town councils and city councils may pass such ordinances, by-laws and regulations as they may think proper, in relation to the time of closing shops, saloons and other places of resort in the evening, within the limits of their respective towns or cities, and may prescribe penalties for the violation thereof, not exceeding twenty dollars for each offence.

G. L. 1909: Ch. 139.

SEC. 4. Every person having the custody or control of any child under the age of sixteen years, who shall exhibit, use or employ, or shall in any manner or under any pretence sell, apprentice or give away, let out or otherwise dispose of any such child to any person for or in the vocation, occupation, service or purpose of rope or wire walking, or as a gymnast, wrestler, contortionist, equestrian performer, acrobat, or rider upon any bicycle or mechanical contrivance, or in any dancing, theatrical or musical exhibition unless it be in connection with churches, schools, or private instruction in dancing or music, or unless it be under the auspices of a Rhode Island society incorporated, or organized without incorporation, for a purpose authorized by section eleven of chapter two hundred twelve, or unless it be with the written consent, previously obtained and revocable at will, of the mayor of the city or the president of the town council where such child is to be employed; or for or in gathering or picking rags, or collecting cigar stumps, bones, or refuse from markets, or in begging, or in any mendicant or wandering occupation, or in peddling in places injurious to the morals of such child; or for or in the exhibition of any deformed, idiotic, insane, or unnatural development of such child, or in any illegal, obscene, indecent, or immoral purpose, exhibition or practice whatsoever; or for or in any business, exhibition or vocation injurious to the health or morals, or dangerous to the life or limb of such child, or who shall cause, procure or encourage any such child to engage therein, or who after being notified by an officer mentioned in section six of this chapter to restrain such child from engaging therein, shall neglect or refuse to do so, shall be held guilty of a misdemeanor and shall, for every such offence, be imprisoned not exceeding one year or be fined not exceeding two hundred fifty dollars, or be both fined and imprisoned as aforesaid, and shall forfeit any right which he may have to the custody of such child.

SEC. 5. Every person who shall take, receive, hire or employ, exhibit, or have in custody, or who shall cause to be taken, hired or employed, exhibited, or held in custody, any child under the age of sixteen years, for any of the purposes prohibited in the preceding

section, shall be held guilty of a misdemeanor, and shall be punished for every such offence in the manner provided in said section.

SEC. 6. The town sergeant of any town, the chief of police of any city, or the general agent or agents of the Rhode Island Society for the Prevention of Cruelty to Children may enter any place where any child may be held, detained or employed in violation of this chapter, and without process of law seize and detain such child and hold him as a witness to testify upon the trial of any person charged with violating the provisions of this chapter; and if upon conviction of the offender no person shall appear who is entitled to the custody of such child, the officer having him in custody shall, under direction of the court, deliver him to the Children's Friend Society, the St. Aloysius Orphan Asylum, or the Association for the Benefit of Colored Children in the city of Providence, or the Home for Friendless Children in Newport, if said societies will receive him without cost to the state; or he may, with the approval of the overseer of the poor of the town, bind him to some suitable person who may be willing to receive him into his family, where he will be properly brought up, and in the event of his being unable to provide a suitable home for such child in either of the designated ways, the officer having him in charge shall deliver him to the overseer of the poor of the town to be cared for by him.

SEC. 7 All fines imposed and collected in any town or county in this state under the provisions of this or any other chapter of the General Laws, and of every other statute of this state affecting children, in every case where the prosecution shall be instituted or conducted by the Rhode Island Society for the Prevention of Cruelty to Children, shall, except where otherwise provided, enure and be paid over to said society in aid of the purposes for which said society was incorporated. Whenever any agent of the Rhode Island Society for the Prevention of Cruelty to Children shall make complaint against any person for any of the offences mentioned in this chapter, or shall make complaint under the provisions of section one of this chapter, such agent shall not be required to enter into any recognizance for costs. All costs and expenses attending the making of any complaint by any agent of said society and the proceedings thereon under the provisions of this chapter shall be paid by the state.

L. HEALTH.

1. STATE BOARD OF HEALTH.

G. L. 1909: Ch. 115.

SECTION 1. There shall be a state board of health, which shall consist of seven persons, two from the county of Providence, one from each of the other counties, and one from the state at large. At least four members of said board shall be well educated physicians, and members of some medical society incorporated by the state.

SEC. 2. The board shall take cognizance of the interests of life and health among the citizens of the state; they shall make investigations into the causes of disease, and especially of epidemics and

endemics among the people, the sources of mortality, and the effects of localities, employments, conditions and circumstances on the public health, and shall do all in their power to ascertain the causes and the best means for the prevention of diseases of every kind in the state. They shall publish and circulate, from time to time, such information as they may deem to be important and useful for diffusion among the people of the state, and shall investigate and give advice in relation to such subjects relating to the public health, as may be referred to them by the general assembly, or by the governor when the general assembly is not in session.

SEC. 3. The state board of health shall also investigate the subject of diseases among cattle or other animals.

Sec. 4. (as amend. 1915: 1267; 1917: 1749.)

The board shall meet in the city of Providence once in three months and as much oftener as they may deem necessary. The members of the board, except the secretary, shall receive as compensation for their services the sum of ten dollars, respectively, for attendance at each meeting, or for conducting an examination, but no compensation shall be given for meetings oftener than once a month. The travelling expenses of any member, while engaged in the duties of the board, shall be paid by the state.

Sec. 5. (as amend. 1914: 1056; 1915: 1267.)

The board shall organize by the election of a president, vice-president, and secretary, and the various duties and powers, prescribed by law for the president shall in the event of his absence or inability be performed and exercised by the vice-president. The president shall be *ex-officio* chairman of the board. The secretary shall be a well-qualified physician and he shall be *ex-officio* state registrar.

SEC. 6. The secretary of the board shall make inquiry from time to time, of the clerks of town and local boards of health and practising physicians, in relation to the prevalence of any disease, or knowledge of any known or generally believed source of disease or causes of general ill-health, and also in relation to the proceedings of the said boards of health, in respect of acts for the promotion and protection of the public health, and also in relation to diseases among domestic animals in their several towns; and the said clerks of town and local boards of health and said practising physicians shall give information in reply to said inquiries, of such facts and circumstances as shall have come to their knowledge.

Sec. 7. (as amend. 1914: 1056; 1922: 2212.)

The secretary shall perform and superintend the work prescribed for said board by law, and such other duties as the board may require; he shall prepare and publish in every calendar month a general summary of all the deaths and causes of the same which had occurred in the state during the preceding month, the same to be made up from the returns of deaths which shall be sent to him on or before the twentieth day of the month following the date of such deaths, by

the several town clerks, the city registrar of Providence and the city clerks of the other cities. He shall hold his office during the pleasure of the board, and may be removed at any regular meeting by a majority vote of the members of said board.

Sec. 8. (as amend. 1914: 1056.)

The actual expenses of the board and of the members thereof, when certified by the president and approved by the governor, shall be paid from the state treasury.

SEC. 9. The board shall make a report in print to the general assembly, annually, of its proceedings during the year ending on the thirty-first day of December next preceding, with such suggestions in relation to the sanitary laws and interests of the state as they shall deem important.

Sec. 14. (as added 1914: 1070; 1919: 1753; 1920: 1916.)

The board shall appoint a well-qualified pathologist, who shall, under the direction of the board, have full charge of the pathological and bacteriological part of the laboratory maintained by the board, and shall conduct and supervise the pathological and bacteriological researches made in such laboratory, and who shall devote all of his time to the office. He may, with the consent of the board, appoint an assistant pathologist, and the board shall fix the salaries of said pathologist and assistant, but not exceeding four thousand dollars annually for the pathologist, nor twenty-five hundred dollars annually for the assistant pathologist, and such salaries shall be in full compensation for any of their services in connection with said board.

Sec. 15. (as added 1915: 1238.)

In order to prevent the spread of communicable diseases, the state board of health is hereby authorized to prohibit in such public places, vehicles or buildings as it may designate the use of a common drinking cup and a common towel, and the board may establish rules and regulations for this purpose.

Whoever violates the provisions of this section, or any rule or regulation of the state board of health made under authority hereof, shall be deemed guilty of a misdemeanor and be liable to a fine not exceeding twenty-five dollars for each offence.

2. OPTHALMIA NEONATORUM.

G. L. 1909: Ch. 343.

Sec. 25. (as amend. 1914: 1081; 1918: 1641; 1919: 1757.)

That any diseased condition of the eye or eyes of any infant in which there is inflammation, redness, swelling or any unnatural discharge at any time within two weeks after birth, shall for the purpose of this act be deemed to be ophthalmia neonatorum.

It shall be the duty of the physician, nurse or midwife attending the birth of an infant immediately after such birth to treat the eyes of such infant with a prophylactic remedy as may be recommended and furnished by the State Board of Health.

It shall be the duty of any physician, midwife, nurse, parent or other person or persons assisting any woman in childbirth or assisting in the care of any infant to report within twelve hours after noting the same, any such case of ophthalmia neonatorum coming to his or her attention, to the local health officer of the city or town within which the mother of such infant shall have been at the time of confinement.

It shall be the duty of physicians, midwives and such other persons as may be lawfully engaged in the practice of obstetrics or assisting at childbirths to inform parents or guardians of the serious nature and consequences of this disease and to advise the use of prophylactic measures designated by the state board of health.

For the purpose of this act, midwives who previously have not been permitted to use medical agents under any conditions may employ the approved prophylactic of the state board of health with the consent of the parent or guardian.

Sec. 26. (as amend. 1914: 1081; 1918: 1641.)

It shall be the duty of the local health officer to investigate each case of ophthalmia neonatorum and the health officer shall be required to report all such cases and their result to the state board of health.

It shall be the duty of the state board of health to enforce the provisions of this act; to provide a prophylactic agent for free distribution, together with proper directions for the use of the same; to publish and distribute information concerning the dangers and prevention of ophthalmia neonatorum; and to bring all violations of the law to the attention of the attorney-general.

Sec. 27. (as amend. 1918: 1641.)

The failure of any person mentioned in section 25 of this chapter to report any and all cases of ophthalmia neonatorum, as herein directed, or the failure or refusal of any person or institution herein mentioned, to obey any rule or regulation adopted by the state board of health under this act, shall constitute a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than one hundred dollars.

3. TUBERCULOSIS.

a. STATE SANATORIUM.

G. L. 1909: Ch. 112.

SECTION 1. There shall be a board of trustees for the state sanatorium, consisting of five members, only one of whom shall be a physician. In the month of January annually the governor, with the advice and consent of the senate, shall appoint one member of said board, to serve until the first Monday in February in the fifth year after his appointment, to succeed the member of the board whose term will next expire. Any vacancy occurring in said board when the senate is not in session shall be filled by the governor until the next session thereof, when the governor, with the advice and consent of

the senate, shall appoint one member for the remainder of the unexpired term.

SEC. 3. Said board may appoint all physicians, assistants, and other employees necessary for the performance of its duties and for the proper administration of the affairs of said sanatorium, may fix the compensation of all persons so appointed or employed, and discharge them at its pleasure, and it may incur all other expenses necessary for the maintenance of said sanatorium.

SEC. 4. The charge for the support of the patients of said sanatorium as are of sufficient ability to pay for same, or have persons or kindred bound by law to maintain them, shall be paid by such patients, persons, or kindred, at a rate to be determined by said board. The board of such patients as have a legal settlement in some city or town shall be paid by said city or town, if such patients are received at said sanatorium on the request of the overseers of the poor of said city or town. Said board, in its discretion, may receive other patients who have no means to pay for treatment, and the expense for board of such patients shall be paid by the general treasurer. But no board shall be paid by the general treasurer for any one having a legal settlement in another state. Said board shall have the power to fix all charges for board of the patients, and the amount which it may so receive shall be paid over to the general treasurer monthly.

SEC. 5. There shall be a thorough visitation of said sanatorium by two of the trustees monthly, and by the whole board quarterly, and a detailed report of its doings, its receipts and expenditures, and of the state of the institution, shall be made to the general assembly at its January session in each year, together with such suggestions or recommendations as it may be desirable to make; said board, or a committee thereof duly constituted for that purpose, shall audit the books and report of the treasurer, and transmit it, with its annual report, to the general assembly.

SEC. 7. The members of said board shall serve without pay, but shall be allowed their necessary expenses incurred in the discharge of their duties.

SEC. 8. Said board shall establish, in its discretion, rules for the government of the sanatorium in its charge, regulations for the admission of patients, and generally be vested with all the powers necessary for the proper carrying on of the work entrusted to it.

b. ESTABLISHMENT OF PROVISIONS FOR TREATMENT OF TUBERCULOSIS.

P. L. 1909: Ch. 400.

SECTION 1. No person, association, corporation, city, or town shall hereafter establish any hospital, camp, or other establishment for the treatment of patients suffering from contagious diseases, or from the disease known as pulmonary tuberculosis, unless the board of health of such city or town shall by resolution authorize the establishment of the same in such city or town within definite limits to

be specified in such resolution. Before authorizing the establishment thereof, such board shall give public notice of the site proposed therefor, and give all persons concerned an opportunity to be heard by such board with reference to the establishment and location of the same.

SEC. 2. Any such hospital, camp, or other establishment, hereafter established without such authority, may be abated as a nuisance by any court of competent jurisdiction.

4. PRACTICE OF MIDWIFERY.

G. L. 1909: Ch. 115.

Sec. 16. (as added 1918: 1634.)

The state board of health is hereby authorized and directed to make rules for the regulation of the practice of midwifery and for the licensing of midwives. On and after July 1, 1918, no person not a licensed midwife or a physician registered under the provisions of Chapter 193 of the General Laws, shall practice midwifery, or shall make a practice of attending women in childbirth for hire, or use the name or title of midwife. Any person who violates the provisions of this section or who violates any of the rules of the state board of health made in pursuance hereof shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both, and the state board of health may revoke the license issued to any person when, in the opinion of the state board of health, said person is guilty of unprofessional conduct.

Sec. 17. (as added 1918: Ch. 1634.)

Complaints for violation of the provisions of the preceding section shall be made by the secretary of the state board of health or by any one authorized by said state board of health and persons making a complaint under the above authority shall be exempted from giving surety for costs on such complaint.

5. DIVISION OF CHILD WELFARE, STATE BOARD OF HEALTH.

G. L. 1909: Ch. 115.

Sec. 18. (as added 1919: 1769.)

The state board of health shall establish and maintain a division of child welfare for the study and application of measures for the prevention of maternal and infant mortality; for the preparation and issuance of child health literature, the suppression of diseases of young children, and the organizing of child welfare work; and for the institution of such other measures for the protection of the lives and the improvement of the health of young children as the state board of health shall direct.

Sec. 19. (as added 1919: 1769.)

Said division of child welfare shall be in charge of a director who shall have received a degree of Doctor of Medicine and who shall have special knowledge of health in its relation to the child.

The said director shall devote full time to the duties required by this act, and, under the direction of the state board of health, shall perform the duties necessary to carry out the provisions of this act, and such other duties as the state board of health may prescribe; and the state board of health is hereby authorized and empowered to appoint such director and to fix the compensation of said director not to exceed the sum of thirty-five hundred dollars annually. The state board of health may also employ all necessary assistants and incur such expenses within the sum or sums appropriated by the general assembly for the purpose of this act.

6. MISCELLANEOUS HEALTH LAWS.

a. INFANTILE PARALYSIS.

P. L. 1911: Ch. 728.

SECTION 1. Any physician who may discover a case or cases of anterior poliomyelitis, tubercular meningitis, or cerebro-spinal meningitis, shall immediately report the existence of each and every case of said diseases to the secretary of the state board of health together with such information as said secretary may require.

SEC. 2. The state board of health is hereby authorized and directed to investigate any conditions associated with any case or suspected case of, or the spread of the disease known as anterior poliomyelitis or infantile paralysis in this state; and as far as possible to aid in the suppression of the same.

b. OCCUPATIONAL DISEASES.

P. L. 1915: Ch. 1226.

SECTION 1. Every physician in this state attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic, brass, wood-alcohol, mercury or their compounds, or from anthrax, or from compressed-air illness, or any other ailment or disease, contracted as a result of the nature of the patient's employment, shall within forty-eight hours of such attendance send to the state board of health a report stating:

- (a) Name, address and occupation of patient.
- (b) Name, address and business of employer.
- (c) Nature of disease.
- (d) Such other information as may be reasonably required by

the state board of health.

The reports herein required shall be on or in conformity with the standard schedule blanks hereinafter provided for. The posting of the report, within the time required, in a stamped envelope addressed to the office of the state board of health, shall be a compliance with this section.

SEC. 2. The state board of health shall prepare and furnish, free of cost to the physicians included in Section 1, standard schedule blanks for the reports required under this act. The form and contents of such blanks shall be determined by the state board of health.

SEC. 3. Reports made under this act shall not be evidence of the facts therein stated in any action arising out of the disease therein reported.

SEC. 4. It shall furthermore be the duty of the state board of health to transmit a copy of all such reports of occupational disease to the chief factory inspector.

7. BIRTH AND DEATH REGISTRATION.

G. L. 1909: Ch. 121.

Sec. 1. (as amend. 1921: 2096.)

The town clerks of the several towns or any person whom the board of aldermen of any city or the town council of any town may appoint for that purpose to be known as local registrar, shall obtain and on or before the 20th day of each month shall make a complete and accurate copy of each birth, marriage and death certificate registered by him, in record books supplied by the secretary of the state board of health to be preserved permanently in the office of said town clerk or local registrar in such manner as directed by the secretary of the state board of health, and said town clerk or local registrar shall on or before the 20th day of each month transmit to the secretary of state board of health all original certificates registered by him for the preceding month, accompanying the same with a list of the persons required by law to make returns to him who have neglected to do so, with such remarks relating to the object of this chapter as he may deem important to communicate.

Sec. 2. (as amend. 1915: 1239.)

The secretary of the state board of health shall receive the returns made in pursuance of the preceding section, and annually make a general abstract and report thereof, in form as prescribed by Section 3 of this chapter, and publish and print not exceeding one thousand copies thereof. Said returns, after such report is prepared, shall be deposited in the office of the secretary of state, who shall cause the same to be arranged, full alphabetical indices of all the names to be made, and the whole to be bound in volumes of convenient size and carefully preserved in his office.

Sec. 3. (as amend. 1910: 575.)

The blank forms required to carry out the provisions of this chapter shall, on application, be furnished by the secretary of the state board of health to clergymen, physicians, undertakers, town clerks, clerks of meetings of the Society of Friends, and other persons requiring them, substantially as follows: The record of a birth shall state the date and place of birth, name of the child, if it has any, the sex and color of the child, number of child of the mother, whether born alive or still born, the name and surname, age, color, residence, and birthplace of the parents, and the occupation of the father, and the time of recording, so far as the same can be ascertained.

Sec. 6. (as amend. 1921: 2096.)

Physicians and midwives shall, within forty-eight hours after attendance upon the birth of any child, make report to the clerk of the city or town in which said birth occurred, stating the date and place of birth, the name of the child if it has any, the sex and color of the child, the name, place of birth, residence, age and occupation of the parents.

If the child dies without a name before certificate is filed said certificate should contain the words "Died Unnamed." If at the time of filing the certificate the living child has not been named it shall be the duty of the town clerk or local registrar to furnish the parents or those having custody of the child supplemental blanks and to obtain from the said parents a report on said blanks of the full name of the child as soon as the child has been named.

In case no physician or midwife is in attendance at the birth of any child the requirements and provisions of this section shall apply to the parent or parents of such child, manager or superintendent of private institutions where the birth occurred or other competent person whose duty it may be to make such certificates; *Provided, however*, that in the case of parent or parents the provisions of section 13 of this act shall not apply if said parents were unable from some physical disability to comply with these provisions within the required time.

The fee of the physician, midwife or other person required as above to file such return shall be twenty-five cents for each birth so reported, and shall be paid by the city or town in which the report is made; *Provided, however*, that if the said reports are not filed within the time above prescribed the person so filing shall not be entitled to said fee.

Sec. 7. (as amend. 1910: 575, sec. 2.)

Whenever any person shall die, or any still born child be brought forth, in this state, the undertaker or embalmer who has charge of the body shall obtain and return to the town clerk or registrar a certificate of death, prepared in accordance with section 3 of this chapter, and upon a blank to be furnished by the secretary of the state board of health.

The statement of facts relating to the disposition of the body shall be signed by the undertaker or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased. But whenever the body of a person is lying dead in any town or city, who has been unattended in his or her last sickness, by a physician registered to practice in this state, the town or city clerk, or in the city of Providence the city registrar, shall call upon a registered physician, or the medical examiner of the district in which the remains are lying, to inquire into and to certify as to the cause and manner of death, and shall allow said physician or medical examiner the fee of two dollars, which shall be paid out of the town or city treasury of said town or city upon the order of said town or city clerk or registrar: *And, pro-*

vided, however, that whenever the medical examiner is called and finds upon inquiry that the cause is within the provisions of Chapter 356 of the General Laws, his services shall be rendered and fees paid in accordance with the provisions of said Chapter 356. Whoever shall sign the medical certificate of death shall state the cause of death so as to show the course of disease or sequence of causes resulting in the death, giving the primary cause, and also the contributory causes, if any, and the duration of each. Indefinite and unsatisfactory statements shall not be held sufficient for issuing a burial or removal permit; and any certificate which contains only indefinite statements or statements unsatisfactory to the secretary of the state board of health, shall be returned to the physician for correction and definition. Causes of death which may be the result of either disease or violence shall be carefully defined; and, if from violence, its nature shall be stated, and whether probably accidental, suicidal, or homicidal. Every certificate shall be written legibly in unfading black ink or with a black record typewritten ribbon.

Sec. 8. (as amend. 1910: 575, Sec. 3.)

Any person registered as an embalmer by the state board of registration in embalming shall be an undertaker, and may act as such in any town or city in the state. And the superintendent of any state or town asylum, hospital or similar institution, or any cemetery corporation, may act as undertaker, if he shall first register his name with the state board of registration in embalming. No fee shall be charged any such superintendent for such registration. No person shall act as undertaker or shall bury, deposit in a vault or tomb, cremate, or otherwise dispose of, or remove from any town or city in the state, the dead body of any person or of any still born child, except he be a registered embalmer or undertaker registered as herein provided.

Sec. 9. (as amend. 1910: 575; 1911: 713; 1914: 1092; 1921: 2096.)

No person shall bury, deposit in a vault or tomb, cremate or otherwise dispose of, or remove from any city or town in this state, the dead body of any person or of any still-born child, until a permit for burial or removal, or other disposition, shall have been properly issued by the town clerk or registrar of the city or town in which the death occurred. No burial or removal permit shall be issued by said city or town clerk or registrar or other authorized persons as aforesaid until a certificate of death has been filed with him as provided in section seven of this chapter; and provided, that when a dead body is transported into this state for burial, and said death occurred outside of the state, then the transit or removal permit issued in accordance with the law and health regulations of the place where the death occurred shall be accepted by the sexton or person in charge at the place of burial as a burial permit.

Sec. 10. (as amend. 1910: 575; 1911: 713.)

Clergymen of all denominations who officiate at the funerals of decedents when no undertaker is in attendance, shall, when requested by the state registrar or the town or city clerk or registrar of the town or

city in which such death occurred, make returns of such deaths in the same manner and with the same compensation as undertakers.

SEC. 11. Any town may make ordinances more effectually to attain the objects herein contemplated.

Sec. 12. (as amend. 1910: 575; 1911: 713.)

The town clerks or persons appointed as aforesaid shall receive for each record of a death made and returned as required by law, and for each record of a marriage made and returned as required by law, twenty cents, to be paid to them out of their respective town treasuries. Undertakers and others making returns of deaths as required by sections seven and nine of this chapter shall receive for each full report of a death made to the town clerk, five cents in the cities of Providence and Newport, and ten cents in the other towns of the state.

Sec. 13. (as amend. 1921: 2096.)

Every clergyman, physician, mid-wife, undertaker, town clerk, clerk of any meeting of the Society of Friends or other person, who shall neglect or refuse to perform any of the duties imposed on or required of him by this chapter, shall be fined not exceeding fifty dollars nor less than ten dollars for each offense, one-half thereof to the use of the town in which the offense shall occur and one-half thereof to the use of the person who shall complain of the same.

SEC. 14. Every clergyman, physician, coroner, undertaker, medical-examiner, or clerk of any meeting of the Society of Friends, shall cause his name, residence and post-office address to be recorded in the town clerk's office of the town where he resides.

SEC. 15. No letters of administration or letters testamentary shall be granted by any court of probate upon the estate of any person, until the death of such person or the facts from which the same is presumed shall be duly certified, as near as may be, to the town clerk, in order that the same may be duly registered according to the provisions of this chapter.

SEC. 16. The town and city clerks and registrars of the several towns and cities shall have the custody of all records of births, deaths and marriages of their respective towns, whether made under the statutes now in force or any former statute, and a certificate signed by them, certifying that any written or printed statement of any marriage, birth or death is a true copy of the record in their custody, shall be admitted as evidence of such marriage, birth or death.

Sec. 17. (as amend. 1910: 575.)

Births, marriages, and deaths of the residents of a town or city which occur outside of such town or city shall be recorded separately from those occurring in such town or city.

SEC. 18. The secretary of the state board of health may, from time to time, vary forms of returns and require such additional information as he may consider necessary to accomplish the object of this chapter.

SEC. 20. The clerk or registrar of each town and city shall, on the first day of each and every month, make a certified copy of all births, marriages and deaths recorded in the books of said town or city during the previous month, whenever the parents of the child born, or the bride or groom, or the deceased person, were resident in any other town or city in this state, or in any other state, at the time of said birth, marriage or death; and shall transmit such certified copies to the clerk or registrar of the town, city or state in which such parents of the child born, the bride or groom, or the deceased, were resident at the time of said birth, marriage or death, stating, in case of a birth, the name of the street and number of the house, if any, where such parents resided, the place of birth of such parents and the maiden name of the mother, whenever the same can be ascertained; and the clerk or registrar so receiving such certified copies shall record the same in the books kept for recording births, marriages and deaths. Such certified copies shall be made upon blanks to be furnished for that purpose by the secretary of the state board of health.

Sec. 21. (as amend. 1921: 2096.)

The town clerks of the several towns, or other persons appointed under this chapter to collect the births in the several towns, may annually, in the month of January, collect the facts concerning the births within their respective towns and shall receive therefor such compensation as the town council or the board of aldermen of their respective towns or cities shall determine.

SEC. 22. Blanks for the foregoing purposes shall be furnished, on application therefor, on or before the first day of December in the year preceding, by the state board of health for the collection of births, by the adjutant-general for the taking of the enrolled militia, and by the commissioner of education for the census aforesaid.

SEC. 24. The returns required to be made by clerks of the superior court, in relation to divorces, to the secretary of the state board of health, or a prepared abstract thereof, shall be published in the annual report on the births, marriages and deaths in the state.

Sec. 25. (as amend. 1921: 2096.)

If it shall come to the knowledge of a town clerk, or any person, appointed under the provisions of section 1 of this chapter, that any birth, marriage, or death which has occurred in his town or city has not been returned to him as required by this chapter, or has not been recorded, such town clerk or person shall record the facts called for by section 3 of this chapter, to the extent he shall receive in any way any credible information of the same. If any error shall be made in the return of any birth, marriage or death, or shall be discovered in the records of births, marriages or deaths, such error shall be corrected without erasure. In each case the source of information, from which the addition or correction is made, and the date of making the same shall be noted on the the face of the record, and such town clerk or person shall attest the same by his signature thereon. Such town clerk or person shall promptly make duly certified returns

to the secretary of the state board of health of all such additions and corrections. Such town clerk or person shall receive for each such additional record and return of a death, marriage or birth made by him the same fees specified in section 18 of chapter 364 of the general laws as amended by chapter 1886 of the public laws passed at the January session, A. D. 1920, for recording and returning deaths, marriages and births respectively.

G. L. 1909: Ch. 347.

SEC. 28. Every person who shall wilfully send to the publishers of any newspaper for the purpose of publication, a fraudulent notice of the birth of a child or of the marriage of any persons or of the death of any person, shall be fined not exceeding one hundred dollars.

8. MILK.

G. L. 1909: Ch. 173.

Sec. 1. (as amend. 1915: 1256.)

All milk, cream, and skimmed milk shall be sold only by standard wine measure, and by or in measures, cans, jars, bottles, or other vessels or receptacles which shall, prior to being used in such sale, be sealed by the manufacturer thereof as hereinafter provided, or by the sealer of weights and measures of the town where the person so using the same shall usually reside in this state, or of the town where such milk shall be sold for use; and every person selling any of the same contrary to this section or delivering any of the same sold contrary hereto, shall be fined for the first offence not less than twenty dollars and not exceeding fifty dollars, and for any subsequent offence not less than fifty dollars, or imprisonment not to exceed sixty days, or both such fine and imprisonment. Any purchaser of milk, cream, or skimmed milk, having reason to believe that any measure, can, jar, bottle, or other vessel or receptacle in which milk, cream, or skimmed milk is sold and delivered to him is not of sufficient size or capacity to contain, by standard wine measure, the amount thereof purchased, may apply to the sealer of weights and measures of the town in which such milk, cream or skimmed milk is delivered to him, which sealer shall, upon receipt of a fee of twenty-five cents therefor, test the capacity of the same and issue to such purchaser his certificate stating the capacity thereof; and if such capacity according to such certificate shall be less than the amount purchased such purchaser may make complaint and deliver such certificate to any officer of such town authorized to make complaints for the violation of this chapter, who thereupon shall duly make complaint against and prosecute the person or persons selling or delivering the same, for violation of this section. Upon the application of a manufacturer of a can, jar, bottle or other vessel or receptacle to be used in the sale of milk, cream or skimmed milk, the state sealer of weights, measures and balances may issue a license to such manufacturer to seal any such can, jar, bottle, or other vessel or receptacle for use in this state. All such cans, jars, bottles, or other vessels or receptacles shall be sealed by the manu-

factorer thereof in such manner and in accordance with such regulations as the state sealer of weights, measures and balances may prescribe and shall be marked with the name, initials, or trade mark of the manufacturer, and by any other mark which the state sealer of weights, measures and balances may require. The state sealer of weights, measures and balances may revoke any such license at any time after giving the manufacturer holding such license ten days' notice of the proposed revocation. The sealing of any such can, jar, bottle, or other vessel or receptacle by a manufacturer shall not authorize the use of the same as legal measures nor shall any such sealing be held to affect the provisions of law relating to the giving of false measure, or the using of a false measure, or the having in possession a false measure with intent to use the same: *Provided, however,* that the wine measure as defined in this section shall permit a variation of one-half an ounce in the contents of glass bottles or jars.

SEC. 2. No person, firm, or corporation, as principal, servant, or agent, shall sell, exchange, or deliver, or have in his or its possession, care, custody, or control with intent to sell, exchange, or deliver, in any manner whatsoever, milk, cream, or skimmed milk, within any city, unless such person, firm, or corporation shall have first obtained and have in force a license therefor from the board of aldermen of such city.

SEC. 3. The board of aldermen of such city may grant licenses to any person, firm, or corporation making written application therefor at the office of the inspector of milk of such city on printed form or forms provided for that purpose by such inspector of milk. Such application shall state the name, residence, and location of the business place or places of the applicant, the number and the description of each and every wagon, carriage, or other vehicle used by the applicant in the milk, cream, or skimmed-milk business, and the names and residences of all persons from whom such applicant purchases any milk, cream, or skimmed milk. Any licensee hereunder shall at any time, on request of said inspector, give said inspector such information. All applications shall be signed by the applicant, and in case of corporations so applying the application shall be made by the treasurer or other duly authorized officer thereof, and the names of the officers of any corporation so applying, or to which such license is granted, shall be furnished in writing by such corporation to such inspector at any time on his request. The inspector of milk shall promptly present to said board of aldermen each such application, with his recommendations thereon in writing. All licenses issued shall expire on the first Monday of February next following the date of such license.

SEC. 4. The inspector of milk shall keep a record of all such licenses issued, including the name, residence, and place of business of each and every person to whom such license is issued and the date of issue and the date of license, and so much of section twelve of this chapter as requires milk dealers to register their names and places of business in the inspector's book shall not apply to such licensees.

No person, firm, or corporation holding such license shall have power to transfer, sell, or assign such license. Such license shall not be required for a person acting as the servant or agent of a person, firm, or corporation having a license, but they shall record the names and residences of such servants and agents in the office of the inspector of milk. Any person, firm, or corporation licensed under the provisions of this chapter shall immediately cause to be, and remain posted such license upon some conspicuous part of the room, place, or office in which the business is carried on.

SEC. 5. The board of aldermen of such city shall have the power at any time in their discretion, upon the complaint of the inspector of milk or of any other person, to revoke or suspend any such license for any violation of the provisions of this chapter, or for any other good and sufficient cause, or when the interest of the public health demands it: *Provided, however, that no such license shall be revoked or suspended until after said board of aldermen shall give the licensee five days' previous notice and an opportunity to be heard in person or by counsel.*

SEC. 6. Any person violating any provision of section two of this chapter shall, upon conviction, be fined for the first offence not less than fifteen dollars and not exceeding one hundred dollars, and for any subsequent offence not less than one hundred dollars or imprisonment not to exceed ninety days, or both such fine and imprisonment.

SEC. 7. Any town may at any time accept the provisions of sections two to seven inclusive of this chapter by vote of the town council thereof and by filing in the office of the secretary of state a copy of such vote of acceptance duly certified by the town clerk thereof; whereupon the foregoing provisions of this chapter shall apply to such town for the purpose of granting and issuing such licenses, and at the expiration of thirty days from such filing shall wholly apply to such town for all purposes therein, and the town council thereof shall have all the powers conferred thereby upon the board of aldermen of any such city.

Sec. 8. (as amend. 1911: 676; 1914: 1020.)

The mayor and aldermen of any city, and the town council of any town, may annually elect one or more persons to be inspectors of milk therein, except in the city of Newport, where such inspector shall be elected by the board of health of said city, who shall be engaged to the faithful performance of the duties of their office. Every such inspector shall give notice of his election by publishing notice thereof, for two weeks in some newspaper published in the city or town for which he shall be elected; or if no newspaper be published therein, by posting up such notice in two or more public places in such city or town. *Provided, that in the city of Providence the superintendent of health thereof ex-officio shall be the inspector of milk therein, and as such inspector shall appoint as soon as may be after the passage hereof, and thereafter biennially on the first Monday in January, beginning A. D. 1915, subject to the approval of the board of aldermen of said city, a deputy inspector of milk*

therein, who, subject to the directions of the inspector, shall have and exercise the same powers and duties as the inspector of milk therein, and who in the absence or disability of the inspector shall have all the powers and duties of said inspector; and such deputy shall be engaged to the faithful discharge of the duties of his office, and shall receive such salary as may be fixed by said board of aldermen; and said inspector at said times shall appoint, subject to such approval, two collectors of samples of milk in said city with the powers and duties of collectors of samples hereunder; and said inspector at any time in his discretion may remove any such deputy or any such collector of samples from his office, and said inspector shall fill any vacancy occurring for any cause in the office of such deputy or any such collector by appointing, subject to said approval, another person in his stead for the unexpired term.

SEC. 9. Any inspector of milk of any town or city may appoint, subject to the approval of the town council or the mayor and aldermen, one person as collector of samples, except in the city of Providence, where two may be appointed, who shall have the same powers and be subject to the same duties and liabilities provided by law relative to the taking of specimens or samples, as an inspector of milk. All specimens or samples taken and retained by any such collector shall be delivered to such inspector, who shall have the same powers and duties relative to the same as in case of specimens or samples taken by himself. Such inspector at any time may revoke the appointment of any such collector and, subject to the approval aforesaid, appoint another person in his stead. Such collector upon being appointed shall be duly engaged to the faithful discharge of his duties before the city or town clerk, who shall keep a record thereof; and shall receive such salary as the mayor and aldermen or town council shall determine.

SEC. 10. Every inspector of milk shall have an office and a book for the purpose of recording the names and places of business of all persons engaged in the sale of milk within the limits of his town. He may enter any place where milk is stored or kept for sale and examine all carriages used in the conveyance of milk, and whenever he has reason to believe any milk found by him is adulterated, he shall take specimens thereof and cause the same to be analyzed or otherwise satisfactorily tested, the result of which he shall record and preserve as evidence; and a certificate of such result, sworn to by the analyzer, shall be admissible in evidence in all prosecutions under this chapter. Such inspector shall receive such compensation as the mayor and aldermen or town council shall determine.

SEC. 11. Whenever the inspector of milk shall have reason to believe that adulterated produce or food is being sold or kept for sale contrary to law, he shall take at least two specimens from the same package or bulk as samples thereof, such specimens, if solid, not to exceed in weight one pound each, and, if liquid, not to exceed in measure one pint each. He shall take said samples in the presence of the owner or his agent, and shall seal and label the same

in the presence of such owner or agent, said labels to state the kind of provisions or food and the name of the seller, and shall then and there deliver one of said samples to such owner or agent.

SEC. 12. Whoever, engaging in or being engaged in the business of selling milk and conveying the same for sale, neglects to cause his name and place of business to be recorded in the inspector's book and his name to be legibly and conspicuously placed and constantly kept upon all carriages and vehicles used by him in the conveyance of milk or in the sale thereof, and whoever, being engaged in the business of selling milk and conveying the same for sale, shall neglect to renew such record annually between the first day of February and the first day of March, shall be fined twenty dollars for the first offence and fifty dollars for the second and each subsequent offence; and whoever offers for sale milk produced from cows fed upon the refuse of distilleries or any substance deleterious to the quality of the milk, and whoever offers for sale milk produced from sick or diseased cows, shall be fined twenty dollars for the first offence and fifty dollars for every subsequent offence; and whoever, in the employment of another, violates any provision of this section shall be held equally guilty with the principal and shall suffer the same penalty.

Sec. 13. (as amend. 1921: 2070.)

No person, firm or corporation shall sell or exchange or have in his possession with intent to sell or exchange, adulterated milk or milk to which water or any substance has been added.

Every person, firm or corporation who shall be found guilty of violating any of the provisions of this section upon first conviction shall be fined not to exceed twenty dollars; and upon the second and every subsequent conviction shall be fined not to exceed fifty dollars and may be imprisoned in the county jail for not exceeding ten days.

Sec. 14. (as amend. 1921: 2070.)

Every person, firm or corporation who shall sell, exchange or deliver, or have in his custody or possession with intent to sell, exchange or deliver for himself or as the employee of any other person, milk from which the cream or any part thereof has been removed, or which shall not contain three and twenty-five one-hundredths per centum of milk fats, shall distinctly mark, in letters not less than one inch in length, in a conspicuous place above the center, upon the outside of every vessel, can or package containing such milk, the words "Skimmed Milk," and such milk shall only be sold in or retailed out of a can, vessel or package so marked.

Every person, firm or corporation who shall be found guilty of violating any of the provisions of this section upon first conviction shall be fined not to exceed twenty dollars; and upon the second and every subsequent conviction shall be fined not to exceed fifty dollars and may be imprisoned in the county jail for not exceeding ten days.

Sec. 15. (as amend. 1921: 2070.)

Any milk which contains less than twelve per centum of milk solids or contains less than three and twenty-five one-hundredths per centum of milk fats shall be deemed below the legal standard. No person, firm or corporation shall sell, exchange or deliver, or shall have in his possession with the intent to sell or exchange or deliver for himself or as the employee of any other person, milk which contains less than twelve per centum of milk solids or contains less than three and twenty-five one-hundredths per centum of milk fats. No rule or regulation of the board of health of any town or city shall prohibit the sale within such town or city of milk that conforms to the standards prescribed by this chapter: *Provided, however,* that any such board of health may regulate by rule as to the amount of bacteria in and the sanitary condition of the milk sold in such city or town and as to the sanitary condition of the premises or place where the milk is produced, kept or sold.

Every person who shall be found guilty of violating any of the provisions of this section upon first conviction shall be fined not to exceed twenty dollars; and upon the second and every subsequent conviction shall be fined not to exceed fifty dollars and may be imprisoned in the county jail for ten days: *Provided,* that no person, firm or corporation shall be liable to the prosecution under the provisions of sections 13, 14, or 15 of this chapter, unless the samples of milk upon which such prosecution is based are taken upon his premises or while in his possession or under his control by an inspector of milk, or a collector of samples of milk of any city or town or a member of the board of food and drug commissioners or its agent, and a sealed sample thereof is given to him; *and provided, further,* that when any milk sample taken by an inspector of milk or collector of samples of milk under the provisions of this section shall fall below the milk standard established by section 14 or 15 of this chapter, but analysis fails to prove adulteration by the addition of water or other substances or by the removal of the cream or any part thereof, the inspector of milk, or the person taking such sample shall send written notice to the person, firm or corporation from whom such sample was taken that his milk is below standard and shall inform him of the exact proportions of milk solids and milk fats as revealed by the analysis; the person, firm or corporation from whom such sample was taken shall be allowed sixty days after the sending of such notice in which to bring his milk up to the legal standard as established by sections 14 and 15 of this chapter, and at any time within two years after the expiration of such sixty days from the sending of such written notice, or sooner at the request of the person, firm or corporation from whom such sample was taken further samples of milk may be taken from time to time in the same manner as hereinbefore provided by an inspector of milk or a collector of samples of milk, and if the milk shall be found to be below the legal standard for milk solids or milk fats prosecution may follow: *Provided, however,* that if the person, firm or corporation from whom

such sample was taken shall make a request in writing at any time after one week from the taking of the first sample, additional samples of milk shall be taken from time to time as the person, firm or corporation from whom such samples was taken may request and a fee may be charged by the inspector of milk or the collector of samples of milk for the actual expenses incurred in taking such additional samples of milk; *and provided, further*, that samples of milk may be taken at any time for the purpose of determining whether or not said milk has been adulterated.

Sec. 16. (renumbered 1921: 2071.)

Whoever by himself or by his servant or agent, or as the servant or agent of any other person, firm, or corporation having custody of a can, jar, bottle, measure, or other vessel used as a container for milk destined for sale, places or causes or permits to be placed therein any offal, swill, kerosene, vegetable matter, or any article other than milk, skimmed milk, buttermilk, cream, or water or other agent used for cleansing said can, jar, bottle, measure, or other vessel, shall be punished by a fine of ten dollars for each vessel so misused.

Sec. 17. (renumbered 1921: 2071.)

Whoever by himself or by his servant or agent, or as the servant or agent of any other person, firm, or corporation, sends, ships, returns, or delivers, or causes or permits to be sent, shipped, returned, or delivered, to any producer of milk any can, jar, bottle, measure, or other vessel used as a container for milk containing any offal, swill, kerosene, vegetable matter, rotten or putrid milk, or any other offensive material, shall be punished by a fine of ten dollars for each said vessel so misused.

Sec. 18. (renumbered 1921: 2071.)

Whoever by himself or by his servant or agent, or as the servant or agent of any other person, firm, or corporation, sends, ships, returns, or delivers, or causes or permits to be sent, shipped, returned, or delivered, to any producer, dealer in, or consumer of milk any can, jar, bottle, measure, or other vessel used as a container for milk without first thoroughly cleaning and cleansing, by the use of boiling water, steam, or other proper agent, such can, jar, bottle, measure, or other vessel used as a container for milk, shall be punished by a fine of ten dollars for each said vessel so misused.

Sec. 19. (renumbered 1921: 2071.)

Every inspector of milk shall institute complaints on the information of any person who shall lay before him satisfactory evidence by which to sustain the same.

Sec. 20. (renumbered 1921: 2071.)

Every inspector of milk shall cause the provisions of this chapter to be published in this town at least three times in some newspaper published in said town or some newspaper in the county in which the town is situated.

Sec. 21. (renumbered 1921: 2071.)

Every inspector of milk shall cause the name and place of business of all persons convicted under this chapter to be published in two newspapers published in the town or county where the offence shall have been committed.

Sec. 22. (renumbered 1921: 2071.)

Any chief of police and any inspector of milk, and such special constables as the town council of any town, or the board of aldermen of any city, may appoint for that purpose, may make complaints and prosecute for all violations within the city or town wherein they are appointed or elected, of any of the provisions of this chapter; and they each shall be exempt from giving surety for costs on any complaint made as aforesaid.

P. L. 1918: Ch. 1656.

SECTION 1. The term "station" or "milk gathering station" as used in this act, shall include an established office where the business of buying milk or cream as herein provided is carried on, with or without a place or premises in connection therewith for the physical handling of milk or cream.

SEC. 2. On and after July first, nineteen hundred and eighteen, no person, firm, association or corporation, shall buy milk or cream within the state from producers for the purpose of shipping the same to any city for consumption or for manufacture, unless such business be regularly transacted at an office or station within the state and unless such person, firm, association or corporation be duly licensed as provided in this act. Every such person, firm, association or corporation before engaging or continuing in the business of buying milk or cream for the purposes aforesaid, shall, annually, on or before June first, file an application with the state board of agriculture for a license to transact such business. The application shall state the nature of the business, as hereinabove set forth, the full name of the person or corporation applying for the license, and, if the applicant be a firm or association, the full name of each member of such firm, or association, the city, town or village and street number at which the business is to be conducted, and such other facts as the state board of agriculture shall prescribe. The applicant shall further satisfy said board of his or its character, financial responsibility and good faith in seeking to carry on such business. The state board of agriculture shall thereupon issue to such applicant, on payment of ten dollars, a license entitling the applicant to conduct the business of buying milk and cream from producers for the purpose aforesaid at an office or station at the place named in the application until the first day of July next following: *Provided, however*, that if the application be presented in the month of May, and if the applicant so elects, such license may be granted to begin on the first day of July next following and run for a term of one year. A license shall not be issued, however, to any applicant if during the year preceding the filing of the application a complaint from any producer and seller

of milk or cream shall have been filed with the state board of agriculture against such applicant for any of the grounds specified in section 12 of this act, and such complaint shall have been established as true and just to the satisfaction of said board after such complaint shall have been investigated by it in the manner provided by section 11 of this act.

SEC. 3. A license shall not be issued as provided in the preceding section, on and after the passage of this act, unless the applicant for such license shall file with the application a good and sufficient surety bond, executed by a surety company, duly authorized to transact business in this state, in such sum as the said board of agriculture shall direct. Such bond shall be approved as to its form and sufficiency by said board of agriculture. The bond required to be filed hereunder shall be given to the said board of agriculture and shall be conditioned for the faithful compliance by the licensee with the provisions of this act, and for the payment of all amounts due to persons who may sell or who have sold milk or cream to such licensee.

SEC. 6. Every bond given in accordance with the provisions of this act shall be applicable, in the first instance, to the payment of all claims arising during the license period for which such bond shall continue, and filed either during such period or within ninety days after the expiration thereof.

SEC. 7. A person or corporation licensed hereunder shall make a statement under oath of his or its disbursements during a period to be prescribed by the state board of agriculture, containing the names of the persons from whom such products were purchased, the amount purchased and the amount due to the vendors thereof. Such statements shall be submitted to the state board of agriculture when requested by it and shall be in the form prescribed by said board. If it appears from such statement or other facts ascertained by the state board of agriculture, upon inspection or investigation of the books and papers of such licensee as authorized by section 9 of this act that the security afforded to persons selling milk and cream to such licensee by the bond executed by such licensee as herein provided does not adequately protect such vendors, the state board of agriculture may require such licensee to give an additional bond, to be executed in a sum to be determined by the state board of agriculture, but not exceeding by more than fifty per centum the maximum amount paid out by such licensee to sellers of milk in any one month.

SEC. 8. The state board of agriculture shall have power to investigate upon the complaint of any interested person, or of its own motion, the record of any person, firm or corporation applying for or holding a license, or any transaction involving the purchase of milk for shipment as provided for in this act. When a complaint is filed with the state board of agriculture it shall attempt to secure an explanation or adjustment, and, failing this within ten days, the said board shall cause a copy of the complaint, together with a notice of

the time and place for a hearing thereon, to be served personally or by mail upon said applicant or licensee. Such service shall be made at least seven days before the hearing. At the time and place appointed for such hearing, the state board of agriculture or its representatives shall hear the parties to the complaint, shall have power to administer oaths and shall enter in the records of the office of the state board of agriculture a decision either dismissing such complaint or specifying the facts which it deems established on such hearing.

SEC. 11. Every proprietor of a milk gathering station shall keep, in such form as the state board of agriculture may prescribe, a record of transactions of purchases of milk or cream by him and he shall, at least semi-monthly, (or weekly if so agreed upon by the parties to the transaction,) deliver to each person from whom he receives or purchases milk or cream, and in the unit of measure used in computing the amount due therefor, an itemized statement of the several amounts or quantities of such milk or cream so received or purchased at such milk station from such person during the prior half month or, if statements are delivered more frequently than semi-monthly, during that period of time which has elapsed since the delivery of such last prior statement. Every such proprietor of a milk gathering station shall post in a conspicuous place in such milk station, a schedule of the prices being paid for milk or cream, and shall keep a correct account of all the milk or cream daily received or purchased from each person at such milk station which account shall be open to inspection by any person selling or delivering milk or cream to such proprietor.

SEC. 16. This act shall take effect from and after its passage, provided that nothing herein contained shall be construed to repeal or alter or vary the provisions of Chapter 173 of the General Laws, or to require the license herein provided for from any person whose principal business is the production of milk or to require such license from a producer of milk who may deliver milk direct to any store or place or who retails his product direct to the consumer.

9. VACCINATION.

G. L. 1909: Ch. 73.

Sec. 9. (as amend. 1915: 1201; renumbered sec. 9, 1922: 2234, sec. 16.)

No person shall be permitted to attend any public school in this state as a pupil, unless such person shall furnish to the teacher of such school a certificate of some practising physician that such person has been properly vaccinated as a protection from small-pox, or a certificate of a practising physician, granted for cause stated therein that such person is not a fit subject for vaccination; and every teacher in the public schools shall keep a record of the names of such pupils in their respective schools as have presented a certificate as required herein.

10. DETENTION OF DISEASED PERSONS IN STATE INSTITUTIONS.

P. L. 1917: 1470.

ARTICLE IV. OF THE PUBLIC HEALTH.

(As added 1918: 1613.)

SEC. 1. In exercising the power and authority to provide for the care and physical welfare of the inmates, prisoners, patients and pupils in the several institutions under its control and for the protection of the public health, the Penal and Charitable Commission shall furnish all necessary medical aid and attention, and shall take all necessary steps to promote the health of said inmates, prisoners, patients and pupils, and especially to guard them and the general public against all dangerous, infectious and contagious diseases at said institutions.

SEC. 3. Every inmate, prisoner, patient or pupil in any of said institutions, who is afflicted with any dangerous, infectious or contagious disease, including syphilis in the infectious stages and gonococcus infection, shall be forthwith placed under medical treatment, and if in the opinion of the attending physician it is necessary, shall be isolated until danger of contagion has passed or until the attending physician determines that further isolation is unnecessary; and if danger of contagion shall not have passed or if further isolation is still necessary at the expiration of sentence or at the time for discharge or release from such institution, such afflicted inmate, prisoner, patient or pupil shall be detained in such institution and continued under medical treatment until the attending physician shall determine that his discharge or release from such institution will not endanger the public health; and during such period of detention, the person so detained shall be supported in the same manner as before such detention.

11. FIREARMS AND EXPLOSIVES.

G. L. 1909: Ch. 134.

SECTION 1. Every person who shall discharge any rifle, gun, musket, blunderbuss, fowling-piece, pistol, air-gun, spring-gun, or other contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, in or across any road, street, square or lane, shall be fined not less than three dollars nor more than twenty dollars.

SEC. 2. Every person who shall make a bonfire in any public street, road, square or lane, without special permission from the town council of the town in which the same shall be made, shall be fined not exceeding ten dollars.

SEC. 3. Every person, not being at the time under military duty, who shall discharge any rifle, gun, musket, blunderbuss, fowling-piece, pistol, air-gun, spring-gun, or other small arms, or any contrivance arranged to discharge shot, bullets, arrows, darts, or other missiles, except upon land owned or occupied by him or by permis-

sion of the owner or occupant of the land on or into which he may shoot, within the compact part of any town or city, or, not being at the time on military duty, shall anywhere discharge any of such arms or contrivances on Sunday, shall be fined not exceeding twenty dollars.

SEC. 4. Every person who shall sell, offer for sale, enkindle or use, or suffer to be sold, offered for sale, enkindled or used by his wife, children or servants or other persons whomsoever, any rocket, cracker, squib or other fire-works of a combustible nature ordinarily used for exhibition or amusement, unless he shall previously obtain special license from the town council of the town or the board of police commissioners, as the case may be, and for the purpose of exhibition on a suitable occasion, shall be fined ten dollars for each offence.

SEC. 5. Every person who shall discharge any gun, rifle, musket or blunderbuss in any road, street, lane or tavern or other public house, after sunset and before sunrise, shall be fined five dollars for the first offence and seven dollars for every subsequent offence.

SEC. 6. No complaint for a violation of any of the provisions of the preceding sections of this chapter shall be sustained unless the same shall be brought within thirty days after the commission of the offence, and all fines for such violations shall enure one-half thereof to the complainant and one-half thereof to the state.

SEC. 7. No person shall sell to any child under the age of fifteen years, without the written consent of a parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge or of any fulminate. Nothing in this section shall authorize the sale of any blank cartridge except as provided in section ten.

SEC. 8. Every person violating the provisions of the foregoing section shall be fined not less than ten dollars nor more than twenty dollars for each offence.

SEC. 9. No person or persons shall sell, expose for sale, or have in his or their possession with intent to sell or use, or shall discharge or use, within this state, any repeating toy cane for discharging any explosive, any toy pistol or any other toy device designed or used for the discharge of blank cartridges.

SEC. 10. No person shall sell or offer to sell blank cartridges to any person under twenty-one years of age.

SEC. 11. Any person violating any of the provisions of sections nine and ten shall be fined not exceeding twenty dollars for each such offence.

SEC. 12. Every person who shall sell, expose for sale, or have in his possession with intent to sell, use, or explode, or shall use or explode any fire cracker containing any explosive other than gunpowder, shall be fined not more than twenty dollars.

M. EDUCATION.

1. POWERS AND DUTIES OF STATE BOARD OF EDUCATION.

G. L. 1909: Ch. 63.

Sec. 1. (as amend. 1920: 1858.)

The general supervision and control of the public schools of the state, with such high schools, normal schools and normal institutes, as are or may be established and maintained wholly or in part by the state, shall be vested in a state board of education.

SEC. 2. The members of the board of education shall continue to be divided into three classes, and to hold their offices until the terms for which they were respectively elected shall have expired.

Sec. 3. (as amend. 1912: 828.)

Two members of the board of education shall be elected annually by the general assembly in grand committee, at the January session, from the counties represented on the board by the members whose terms of office will next expire to succeed such members.

SEC. 4. The governor shall be president, and the commissioner of education shall be secretary of the board of education.

Sec. 5. (as amend. 1922: 2234, sec. 4.)

The board of education shall hold quarterly meetings in the first week of March, June, September and December of each year at the office of the commissioner of education, and may hold special meetings at the call of the president or secretary. The board of education shall prescribe and cause to be enforced all rules and regulations necessary for carrying into effect the laws in relation to public schools. The board may for violation or neglect of law or for violation or neglect of rules and regulations in pursuance of law by any town or town officer or school committee order the general treasurer to withhold the payment of any portion of the public money that has been or may be apportioned to any such town; and the general treasurer upon the receipt in writing of such order shall hold the public money due any such town in trust until such time as the board of education shall notify him that the town has complied with such order as the board shall make in the premises, in which case payment shall be made to the town forthwith. The board of education shall report to the general assembly annually all infraction of school law which shall be brought to its attention, with a record of such action as the board shall have taken in each instance.

SEC. 6. The board of education may cause to be paid annually to and for the use of each free public library established and maintained in the state, and to be expended in the purchase of books therefor, a sum not exceeding fifty dollars for the first five hundred volumes included in such library, and twenty-five dollars for every additional five hundred volumes therein: *Provided*, that the annual payment for the benefit of any one such library shall not exceed the sum of five hundred dollars.

SEC. 7. The board of education shall from time to time establish rules prescribing the character of the books which shall constitute such a library as will be entitled to the benefits conferred by the preceding section, regulating the management of such library so as to secure the free use of the same to the people of the town and neighborhood in which it shall be established, and directing the mode in which the sums paid in pursuance of this chapter shall be expended. No library shall receive any benefit under the foregoing provisions, unless such rules shall have been complied with by those in charge thereof, nor until they shall have furnished to said board satisfactory evidence of the number and character of the books contained in said library.

Sec. 20. (as added 1921: 1083.)

The board of education may cause to be paid annually to the free public libraries in the state whose means are not sufficient to maintain proper library service, a sum of money which shall be apportioned by said board and devoted to the salaries of the librarians in the said libraries. Said amount shall be paid only to librarians whose respective salary does not exceed the sum of five hundred dollars annually; *Provided*, that the annual payment to any one such librarian shall not exceed the sum of four hundred dollars. The general assembly shall annually appropriate such sum as they may deem sufficient and advisable for the purpose of carrying into effect the provisions of this section.

Sec. 8. (as amend. 1911: 678; 1915: 1212; 1920: 1875.)

The board of education is hereby authorized and empowered to establish and maintain a system of travelling libraries within the state to render aid to libraries which establish branch or visiting libraries in schools or places approved by said board, and to render aid to associations which operate travelling libraries. Said board is hereby authorized and empowered to provide for the visitation or examination of free public libraries and the management of travelling libraries, upon such conditions and in such manner as may seem proper to said board.

SEC. 9. Every payment herein authorized shall be made by the general treasurer upon the order of the commissioner of education, approved by the board of education, and payable to the librarian or other person having charge of such library or of the funds applied to its support designated by said board.

SEC. 10. The officers, or persons in charge of all schools and educational institutions supported wholly or in part by this state, whether entirely devoted to education or only partially so, shall make a report annually in the month of July to the state board of education, of such facts as shall show the number of pupils and instructors, the courses of study, cost of maintenance, and general needs and conditions of the school or institution.

Sec. 11. (as amend. 1922: 2234, sec. 5.)

All private schools or institutions of learning in this state shall be registered at the office of the state board of education,

said registry showing location, name, officers or persons in charge, grade of instruction, and common language used in teaching. They shall also make a report annually in the month of July to the state board of education, showing the number of different pupils enrolled, the average attendance, the number of teachers employed and such other facts of age, attendance and instruction as said board may require. The state board of education shall approve a private school only when it appears that the period of attendance of the pupils in such school is substantially equal to that required by law in public schools, that the instruction in such school in all studies, except foreign languages and any studies not taught in the public schools, is in the English language, that such instruction is thorough and efficient, that reports are made as required by law, and that registers are kept and returns to the superintendent of schools and truant officer in relation to attendance of pupils are made the same as by public schools.

SEC. 14. The board of education shall make an annual report to the general assembly at its January session.

SEC. 15. The members of said board shall receive no compensation for their services, but the general treasurer shall pay, upon the order of the state auditor, the necessary expenses of the members and secretary of the board, incurred in the discharge of their official duties, from any moneys in the treasury not otherwise appropriated, upon the receipt of properly authenticated vouchers.

Sec. 21. (as added 1922: 2234, sec. 6.)

The board of education may from time to time make or cause to be made a survey of the public schools of any town, and shall make such survey upon the request of the school committee of any town. The board of education shall include in its annual report to the general assembly a summary of its findings upon such surveys with such recommendations as shall seem advisable.

G. L. 1909: Ch. 64.

Sec. 1. (as amend. 1920: 1858.)

There shall be annually elected a commissioner of education in the manner prescribed in the preceding chapter, who shall devote his time exclusively to the duties of his office. In case of sickness, temporary absence, or other disability, the governor may appoint a person to act as commissioner during such absence, sickness or disability.

SEC. 3. The commissioner of education shall visit, as often as practicable, every town in the state, for the purpose of inspecting the schools and diffusing as widely as possible, by public addresses and personal communications with school officers, teachers and parents, a knowledge of the defects, and of any desirable improvements, in the administration of the system and the government and instruction of the schools.

SEC. 4. The commissioner of education shall, under the direction of the board of education, recommend and bring about, as far as practicable, a uniformity of text-books in the schools of all the

towns; and shall assist in the establishment of, and selection of books for, school libraries.

SEC. 5. The commissioner of education shall prepare each year a programme of exercises suitable for the observance of Arbor Day, and shall distribute the same among all of the public schools of the state at least four weeks previous to said day.

SEC. 6. He shall annually, in December, make a report to the board of education, upon the state and condition of the schools and of education, with plans and suggestions for the improvement of said schools.

SEC. 7. It shall be the duty of the commissioner of education to prepare a programme of patriotic exercises for the proper observance of Grand Army Flag Day, and to furnish printed copies of the same to the school committees of the several cities and towns at least four weeks previous to the twelfth day of February in each year. He shall also prepare for the use of the schools a printed programme providing for a uniform salute to the flag, to be used daily during the session of the school.

SEC. 8. The fourth day of May in each and every year hereafter is hereby established, in this state, as "Rhode Island Independence Day;"—being a just tribute to the memory of the members of our general assembly, who, on the fourth day of May, 1776—in the state house at Providence, passed an act renouncing allegiance of the colony to the British crown, and by the provisions of that act declaring it sovereign and independent;—the first official act of its kind by any of the thirteen American colonies.

SEC. 9. On each and every fourth day of May hereafter, except when said day falls on the first day of the week (commonly called Sunday), then on the day following, the governor shall cause salutes of thirteen guns to be fired, at 12 o'clock, noon, by detachments of the state artillery, at all places in the state where stationed, and shall cause a display of state and national flags on all armories and other state buildings from sunrise to sunset, in honor of "Rhode Island Independence Day."

G. L. 1909: Ch. 40.

Sec. 1. (as amend. 1922: 2234, sec. 1.)

The general assembly shall appropriate annually for the support of public schools a sum sufficient for the purposes of section two of this chapter, and the state auditor is hereby authorized and directed to draw his orders upon the general treasurer for the payment of the sum appropriated, or so much thereof as may from time to time be required, upon receipt by him of proper vouchers approved by the commissioner of education.

SEC. 2. The commissioner of education shall apportion the appropriation provided for in section one of this chapter among the several towns: First, on the basis of the number of schools, three hundred dollars for each school up to five schools, two hundred fifty dollars for each school from six to ten schools, two hundred dollars for each school from eleven to fifteen schools, one hundred fifty dollars

for each school from sixteen to twenty schools; second, on the basis of one dollar and fifty cents per capita of average attendance in the preceding school year, provided that the apportionment to any town shall not be less than one thousand dollars on the per capita basis; and *provided, further*, that no town shall receive on the per capita basis less than it so received in the year of 1921.

Sec. 4. (as amend. 1922: 2234, sec. 2.)

No town shall receive any part of such state appropriation unless it has raised by tax for the support of public schools thirty cents on each one hundred dollars of the assessed valuation of the town, and not less than the average amount raised by tax and expended by the town for the current maintenance of public schools for the school years ending in the years 1919, 1920 and 1921.

Sec. 5. (as amend. 1922: 2234, sec. 3.)

If any town shall neglect or refuse to raise or appropriate the sum required in the preceding section on or before the first day of July in any year, its proportion of the public money shall be withheld, and the general treasurer, on being informed thereof in writing by the commissioner of education, shall hold any public money otherwise due the town in trust for the town until such time, not later than the first day of July in the year next following, as the commissioner of education shall notify the general treasurer in writing that the town has complied with the provisions of the preceding section and has taken such other action in the premises as the commissioner with the approval of the state board of education shall order, and thereafter said proportion of the public money, in the absence of such latter notification, shall be forfeited, and the general treasurer shall add it to the permanent school fund.

SEC. 7. The sum of four thousand dollars shall be annually appropriated for the purchase of dictionaries, encyclopedias and other works of reference, maps, globes and other apparatus, for the use of the public schools of the state.

SEC. 8. Said sum of four thousand dollars shall be apportioned among the several towns as follows: Every town desiring to avail itself of this appropriation shall make application therefor to the commissioner of education, with vouchers for the amount actually expended. Upon receipt of said application and vouchers the commissioner of education may draw his order on the general treasurer in behalf of said applicant, for half the amount of said vouchers, at the rate of ten dollars for each school, to an amount not exceeding two hundred dollars in any one year for any town: *Provided*, that the gross amount in any one year shall not exceed four thousand dollars.

SEC. 9. In case the number and amount of applications in any one fiscal year shall exceed the limit of the appropriation, the commissioner of education shall record the date of each application, and in the apportionment for the following year such recorded applications shall have the preference in the order of their dates.

SEC. 10. There shall be an annual appropriation for the support and maintenance of evening schools in the several towns of this state,

under the general supervision of the state board of education, who shall apportion said appropriation annually among the several towns and draw orders therefor on the general treasurer.

G. L. 1909: Ch. 64.

Sec. 14. (as added 1922: 2234, sec. 7.)

The commissioner of education shall prescribe a uniform system for keeping school records, and for making such reports as may be required by law, and shall furnish such cards, forms, blank books and record books as shall be required for such purposes. The commissioner of education shall also prescribe a uniform system of accounting for school committees and town treasurers with reference to public money appropriated for public schools, and he is hereby authorized and directed to examine from time to time, or cause to be examined by some competent person duly appointed by said commissioner, the accounts and other records of school committees.

P. L. 1917: Ch. 1470.

SEC. 23. The penal and charitable commission shall annually make to the state board of education in the month of July, a report of all the schools maintained in the institutions under its control, said report to be in manner and form as prescribed by law for other educational institutions. The commissioner of education may visit and inspect said schools and make suggestions to the commission for the improvement of them, as he may deem advisable. All teachers employed in said schools, except the schools maintained at the state prison, shall hold certificates of qualification as required by law of public school teachers.

a. NORMAL SCHOOL.

G. L. 1909: Ch. 71.

SECTION 1. The normal school shall be under the management of the board of education and the commissioner of education as a board of trustees.

SEC. 2. All applicants from the several towns in the state shall be admitted to free tuition in said school, after having passed such an examination as may be prescribed by the board of trustees, and after having given to such board satisfactory evidence of their intention to teach in the public schools of this state for at least one year after leaving the said school.

SEC. 3. The trustees may admit to the classes of said school persons not intending to teach in the public schools of the state upon the payment by them of such tuition fees as may be determined by the trustees. They shall make, each term, a return to the general treasurer of all moneys received by them in pursuance of the aforesaid authority.

SEC. 4. Persons who shall have passed the regular course of studies at the normal school shall on the written recommendation of the principal receive a diploma issued by the trustees of the school.

Sec. 5. (as amend. 1920: 1860.)

The trustees of the normal school may pay to each pupil who shall reside within the state who shall have been duly admitted thereto, and who shall have attended the regular sessions of said school and complied with the regulations thereof during the term next preceding such payments, not exceeding forty dollars for each quarter-year for travelling expenses; but such payments in the aggregate for such travelling expenses shall not exceed the sum of six thousand dollars in any one year, and shall be made to the respective pupils entitled to the same in proportion to the distance they may reside from said school.

SEC. 7. The commissioner of education shall render an annual account to the state auditor of his expenditures under the provisions of this chapter with his vouchers therefor.

2. POWERS AND DUTIES OF SCHOOL COMMITTEES.

G. L. 1909: Ch. 46.

Sec. 4. (as amend. 1918: 1629.)

Towns may, at any legal meeting, grant and vote such sums of money as they shall judge necessary:—

For the support of schools, purchase of sites for and the building and repair of school houses; and for the establishing and maintaining of school libraries.

G. L. 1909: Ch. 66.

Sec. 1. (as amend. 1914: 1097.)

Every town shall establish and maintain a sufficient number of public schools for at least thirty-six weeks each year, at convenient places, under the management of the school committee, subject to the supervision of the commissioner of public schools as provided by this title.

SEC. 2. Any town may vote, in a meeting notified for that purpose, to provide school-houses, together with the necessary fixtures and appendages thereof.

SEC. 3. The corporate powers and liabilities of any school district heretofore existing shall continue and remain so far as may be necessary for the enforcement of its rights and duties.

SEC. 4. The school committee of each town shall consist of three residents of the town, or of such number as at the present time constitute the committee, and they shall be divided as equally as may be into three classes, whose several terms of office shall expire at the end of three years from the dates of their respective elections. As the office of each class shall become vacant, such vacancy or vacancies shall be filled by the town at its annual town meeting for the election of state or town officers, or by the town council at its next meeting thereafter. In case of a vacancy by death, resignation, or otherwise than as is above provided, such vacancy shall be filled by the town council until the next annual town meeting for state or town officers, when it shall be filled for the unexpired term thereof as is above provided.

The school committee of each town shall elect a superintendent of the public schools of the town to perform, under the advice and direction of the committee, such duties, and to exercise such powers, as the committee shall assign him; and to receive such compensation out of the town appropriation for public schools as the committee shall vote.

Sec. 7. (as amend. 1912: 804.)

The school committees of the respective towns voting herefor, as prescribed in the preceding section, shall form a joint committee, for the purpose of this chapter; said joint committee shall be the agents of each town comprising such union. Said school committees shall meet annually in joint convention at a place and time agreed upon by the chairmen of the several school committees, and shall organize by the choice of a chairman and secretary. They shall choose by ballot a superintendent of schools, fix his salary and apportion the amount thereof to be paid by each of the towns, approximately according to the next preceding school census in said town. Such union shall not be dissolved because the number of schools shall have increased beyond the number of sixty, nor, for any reason, for the period of three years from the date of the formation of such union, except by concurrent votes of the school committees of a majority of the towns constituting such union.

Sec. 9. (as amend. 1915: 1254; 1919: 1725.)

CLAUSE 1. In case any town or city not united with any other town or city as provided in section 6 shall annually pay at least fifteen hundred dollars for the salary of a superintendent of schools, such town or city shall be entitled to receive from the state treasury an amount equivalent to half the salary paid to said superintendent of schools, but not exceeding one thousand dollars, which amount shall be paid toward the salary of said superintendent of schools; and the commissioner of education shall draw his order for said amount upon receipt of proper certificate from the chairman and clerk of the school committee of said town.

CLAUSE 2. In case any town has not availed itself of state aid for supervision of schools as provided in this or the preceding section, the school committee of such town may request the state board of education to provide, for the public schools of such town, supervision of the standard contemplated in this section, and said board is hereby authorized to arrange, in co-operation with said school committee, for such supervision at the expense of the state not to exceed the sum named herein for any one town and to employ one or more superintendents therefor, whose salary or salaries, less portions thereof paid by towns, shall be paid from the annual appropriation provided in section 10 of this chapter.

SEC. 10. There shall be appropriated annually such sum as may be necessary to carry out the provisions of the two preceding sections. No person shall be employed as superintendent of schools under the provisions of this chapter unless such person holds a cer-

tificate of qualification issued by or under the authority of the state board of education; and no town or city employing a superintendent not certified as herein provided shall be entitled to any share in the state appropriation for supervision of schools.

SEC. 11. The town treasurer shall receive the money due the town from the state for public schools, and shall keep a separate account of all money appropriated by the state or town or otherwise for public schools in the town, and shall pay the same to the order of the school committee.

Sec. 15. (as amend. 1920: 1870.)

The school committee of each town or city, or some person or persons whom they shall appoint for the purpose, shall annually in the month of January take a census of all persons between the ages of four and twenty-one years, inclusive, residing within the limits of their respective towns on the first day of said January.

SEC. 16. The superintendent of schools shall record on cards to be provided by the commissioner of education the names of all persons between the ages of 4 and 21 years, inclusive, ascertained in the manner provided by section 16 of this chapter, and shall also record the attendance of such persons at public schools or on private instruction approved as required by law; and shall promptly report to the truant officer the names of all persons required to attend school under the provisions of chapter 72 of the general law who are not actually enrolled and attending school as shown by the records required by this section.

Sec. 19. (as added 1922: 2234, sec. 11.)

The annual school census returns shall be preserved by the school committee for the period of five years after the taking thereof, and said school committee shall also provide for the suitable custody and preservation of school registers and other records of public schools as required by law.

G. L. 1909: Ch. 67.

SECTION 1. The school committee of each town shall choose a chairman and clerk, either of whom may sign any orders or official papers, and may be removed at the pleasure of said committee.

SEC. 2. The school committee of each town shall hold at least four regular meetings in every year, at such time and place within the town as the committee shall by general order fix and determine.

Sec. 3. (as amend. 1917: 1521.)

The school committee shall locate all schoolhouses, and shall not abandon or change the location of any without good cause; and unless otherwise provided by special law or charter, said school committee of each town shall have the care and control of all public school buildings and other public school property of the town, including repairs of said buildings and the purchase of furniture and other school equipment.

SEC. 5. The school committee shall visit, by one or more of their number, every public school in the town at least twice during each term, once within two weeks of its opening and once within two weeks of its close; at which visits they shall examine the register and matters touching the school-house, library, studies, books, discipline, modes of teaching and improvement of the school.

SEC. 6. The school committee shall make and cause to be put up in each school-house, rules and regulations for the attendance and classification of the pupils, for the introduction and use of text-books and works of reference, and for the instruction, government and discipline of the public schools, and shall prescribe the studies to be pursued therein, under the direction of the commissioner of education.

SEC. 7. Whenever the school committee of any town shall find that it is more convenient or expedient for any child residing in said town to attend school in an adjoining town, said committee may arrange with the school authorities of such town for the attendance of such child at their schools, and may pay for such tuition out of the town appropriation for public schools. The amount so paid shall be used for school purposes only.

SEC. 8. The school committee may suspend during pleasure all pupils found guilty of incorrigibly bad conduct or of violation of the school regulations.

SEC. 9. The selection of teachers, and election of superintendent, in such towns as do not unite for the employment of a superintendent, and the entire care, control, and management of all the public school interests of the several towns, shall be vested in the school committee of the several towns, and they shall also draw all orders for the payment of their expenses.

Sec. 10. (as amend. 1922: 2234, sec. 12.)

The school committee shall prepare and submit annually to the commissioner of education, on or before the first day of August, a report in manner and form by him prescribed; they shall also prepare not less than thirty days before the date of the annual town meeting, or the date of the meeting of the city council at which annual appropriations are made, on forms prescribed and furnished by the commissioner of education, their estimates and recommendations of the amounts necessary to be appropriated for the support of public schools for the fiscal year then ensuing, provided that a copy of such estimates and recommendations shall be sent to the commissioner of education; and until such report is made, and if such estimates and recommendations are not presented to the commissioner, he may refuse to draw his order for the money in the state treasury apportioned to such town; *Provided*, that the necessary blank for such report has been furnished by the commissioner on or before the first day of June, next preceding; and the necessary form for such estimates and recommendations shall have been furnished by the commissioner not less than sixty days before the date of the annual appropriation meeting of the city council; they shall also prepare and submit annually to the commissioner of educa-

tion and at the annual town meeting, a report to the town, setting forth their doings, the state and condition of the schools and plans for their improvement, which report, unless printed, shall be read in open meeting; and if printed, at least three copies shall be transmitted to the commissioner on or before the day of the annual town meeting in each year.

SEC. 11. The school committee may reserve annually out of the public appropriation, a sum not exceeding forty dollars to defray the expense of printing their annual report.

Sec. 17. (as added 1922: 2195.)

The principles of popular and representative government as enunciated in the constitution of Rhode Island and the constitution of the United States shall be taught in all the public schools of this state. In every class of the seventh or eighth year in elementary schools instructions shall be given in the history and government of Rhode Island, and in every high school thorough instruction shall be given in the constitution and government of Rhode Island and in the constitution and government of the United States. No private school or private instruction shall be approved for the purposes of chapter 72 of the general laws unless the course of study therein shall make provision for instruction substantially equivalent to that required by this chapter for public schools.

a. GRIEVANCES AGAINST SCHOOL COMMITTEES.

G. L. 1909: Ch. 70.

SECTION 1. Any person aggrieved by any decision or doings of any school committee, or in any other matter arising under this title, may appeal to the commissioner of education who, after notice to the party interested of the time and place of hearing, shall examine and decide the same without cost to the parties: *Provided*, that nothing contained in this section shall be so construed as to deprive such aggrieved party of any legal remedy.

SEC. 2. The commissioner of education may, and if requested on hearing such appeal by either party shall, lay a statement of the facts of the case before one of the justices of the supreme court, whose decision shall be final.

SEC. 3. The commissioner of education may from time to time prescribe rules regulating the time and manner of taking such appeals, and rules to prevent appeals for trifling and frivolous causes.

SEC. 4. Parties having any matter of dispute between them arising under this title, may agree in writing to submit the same to the adjudication of said commissioner, and his decision therein shall be final.

SEC. 5. In any civil suit before any court against any school officer for any matter which might by this chapter have been heard and decided by the commissioner of education, no costs shall be taxed for the plaintiff if the court is of the opinion that such officer acted in good faith.

b. TAKING OF LANDS FOR SCHOOL PURPOSES.

G. L. 1909: Ch. 75.

SECTION 1. Any town, from time to time, may take lands therein, improved or unimproved, for the location of school-houses, the enlargement of school-house lots, and for school purposes, provided that the amount of the same at any one taking shall not exceed one acre.

SEC. 3. Any owner of or person entitled to any estate in or interested in any part of the land so taken, who cannot agree with said school committee for the price of the land so taken in which he is interested as aforesaid, may, within three months after personal notice of said taking, or, if he have no personal notice, may, within one year from the filing of the description, statement, and plat referred to in section two of this chapter, apply by petition to the superior court held for the county where said land is located, setting forth the taking of his land and praying for an assessment of damages by a jury. Upon the filing of said petition the said court shall cause twenty days' notice of the pendency thereof to be given to said town by serving the town treasurer of said town with a certified copy thereof, and may proceed after such notice to the trial thereof; and such trial shall determine all questions of fact relating to the value of such land and the amount thereof; and shall be conducted in every respect as other civil cases are tried, including the right to except to rulings and apply for new trial for cause.

c. USE OF POLL TAXES.

G. L. 1909: Ch. 59.

Sec. 1. (as amend. 1914: 1091; 1921: 2019; 1922: 2201.)

The assessors of taxes of each town and city shall, on the date for the annual assessment of town and city taxes therein, respectively, assess against every person in said town or city, who, if registered, would be qualified to vote, a tax of one dollar, or so much thereof as with other taxes shall amount to one dollar.

The assessors of taxes of each town and city shall, on the date for the annual assessment of town and city taxes therein, respectively, also assess a tax of one dollar, or so much thereof as with other taxes shall amount to one dollar, against every person, male or female, in said town or city of the age of twenty-one years or over, whether or not a citizen of the United States, who has had residence in said town or city for six months next preceding such assessment.

SEC. 3. The tax assessed according to the provisions of this chapter, shall be applied to the support of the public schools in such town or city.

3. STATE AID.

G. L. 1909: Ch. 74.

SECTION 1. In case any town shall consolidate three or more ungraded schools, and instead thereof shall establish and maintain a graded school of two or more departments with an "average num-

ber belonging" of not less than twenty pupils for each department, the state shall pay to such town one hundred dollars annually for each department of said schools towards the support thereof. Two or more towns may unite in the establishment and maintenance of such graded school, and in such cases the money paid by the state towards the support thereof shall be divided between the towns thus maintaining said school according to the number of pupils contributed by each town to the whole "average number belonging."

Sec. 2. (as amend. 1909: 446; 1921: 2055.)

Any town maintaining a high school approved by the state board of education shall be entitled to receive annually from the state thirty-five dollars for each pupil in average attendance for the first twenty-five pupils, and twenty-five dollars for each pupil in average attendance for the second twenty-five pupils: *Provided*, such town shall admit pupils from other towns, to the extent of the capacity of its high school or schools, at a rate of tuition not to exceed the average cost per capita of maintaining its high school or schools. The school committee of any town not maintaining a high school shall make provision, at the expense of such town, for the free attendance of its children at some high school or academy approved by the state board of education, and the town shall be entitled to receive aid from the state for each pupil in such attendance upon the same basis and to the same extent as if it maintained a high school by itself.

SEC. 3. All applications for aid under this chapter shall be made to the commissioner of education by the school committee of the town; and said application must be accompanied by the certificate of the principal teacher of the school on account of which the application is made, setting forth the facts relating to the attendance which is made the basis of the application.

SEC. 4. After any school, such as is provided for in section one of this chapter, has been established it shall not forfeit its claim to its share of the state aid for a failure to maintain the required "average number belonging" unless said "average number belonging" falls below fifteen for the several departments.

Sec. 5. (as amend. 1922: 2234, sec. 17.)

There shall be an annual appropriation for the purposes of this chapter; and the state auditor is hereby authorized and directed to draw his orders on the general treasurer in favor of such towns for such sums as shall be certified to him by the commissioner of education as due to said towns under the provisions of this chapter.

Sec. 6. (as amend. 1922: 2234, sec. 17.)

In the apportionment of the annual appropriation for the support of public schools, no town shall forfeit any portion thereof hereafter on account of any reduction in the number of its schools, by reason of the consolidation thereof in accordance with the provisions of this chapter, but each town shall continue to be entitled to its

proportional amount from said annual appropriation upon the basis of the number of schools prior to such consolidation.

Sec. 7. (as amend. 1915: 1235.)

The school committee of any town may, subject to the approval of the commissioner of education, consolidate any schools, or unite any school or schools with some other school in order to establish a graded school or to secure greater efficiency of the schools; and said committee shall provide suitable transportation to and from school for pupils who reside so far from any public school as to make their regular attendance impracticable.

Sec. 8. (as added 1910: 545.)

Wheresoever any ungraded school has been or shall be consolidated with a graded school, there shall be paid by the state to the town in which the schools are situated on account of the said graded school, the sum of one hundred dollars annually for each school so consolidated, the same to be used for the support of the said graded school, or for the transportation of pupils as provided for by section 7 of this chapter.

P. L. 1913: Ch. 947.

Sec. 1. (as amend. 1922: 2234, sec. 19.)

The school committee of any town in which the taxable property is not adequate at the average rate of taxation for public school support throughout the state to provide, with the moneys that may be apportioned from the general treasury, an amount sufficient to provide and maintain public schools of a high standard, may at regular meeting held before the first day of July in any year request the state board of education to assume the supervision, control and management of the public schools of the town for the ensuing year, provided that the town has appropriated for the support of public schools for said year a sum equivalent to thirty cents on each one hundred dollars of the assessed valuation of the town. Upon receiving such request the state board of education, if it shall be satisfied that the request is warranted and that the best interests of the public schools will be served thereby, may assume such supervision, control and management. For the purposes of this chapter the state board of education shall be subrogated to all the powers and functions of the town school committee, including the right to draw orders upon the town treasurer for the payment for the support of the public schools of the town of any money in the town treasury required by law to be accredited to the public school account. The state board of education may also apportion to or expend for the support of the public schools of the town any part of the annual appropriation for public schools provided by section five of chapter 40 of the general laws as amended as shall not be apportioned for other purposes, or the whole, or any part of such annual appropriation as the general assembly shall make for the purposes of this chapter.

4. TEXT BOOKS.

G. L. 1909: Ch. 67.

Sec. 12. (as amend. 1913: 944.)

The school committee of every city and town shall purchase, at the expense of such city or town, text-books and other school supplies used in the public schools; and said text-books and supplies shall be loaned to the pupils of said public schools free of charge, subject to such rules and regulations as to care and custody as the school committee may prescribe.

School books removed from school use may be distributed to pupils and any text-book may become the property of a pupil who has completed the use of it in school, subject to rules and regulations prescribed by the school committee.

SEC. 13. A change may be made in the school-books in the public schools of any town by a vote of two-thirds of the whole school committee; and in the city of Providence by a vote of a majority of all the members elected to the school committee, notice of the proposed change having been given in writing at a previous regular meeting of said committee: *Provided*, that no change be made in any text-book in the public schools of any town oftener than once in three years, unless by the consent of the board of education.

SEC. 14. The school committees of the several cities and towns of the state shall, in the same manner as now provided by law for the purchase of supplies for public schools by such committees, purchase for every such school in their respective cities and towns not now provided therewith, a United States flag, flag-staff, and the necessary appliances therefor; and thereafter whenever the flag, flag-staff, or the necessary appliances therefor of any such school shall from any cause become unsuitable for further use, such school committee shall in the same manner purchase others in place thereof.

SEC. 15. The school committees of the several cities and towns shall cause the United States flag to be displayed upon the public school buildings or premises therein during school hours if in their best judgment it be practicable, otherwise at such times as they may direct, and such committees shall also establish rules and regulations for the proper care, custody, and display of the flag; and when, for any cause, it is not displayed it shall be placed conspicuously in the principal room of the school building.

SEC. 16. The twelfth day of February in each and every year hereafter is hereby established in the annual school calendar to be known as Grand Army Flag Day, in honor of the birthday of Abraham Lincoln, and shall be observed with patriotic exercises in the public schools; but such day shall in no wise be construed to be a holiday. It is also provided that when such day shall fall on Sunday or on Saturday, the following or preceding days respectively, as the case may be, shall be observed.

5. TEACHERS.

G. L. 1909: Ch. 68.

SECTION 1. No person shall be employed to teach, as principal or assistant, in any school supported wholly or in part by public money unless such person shall have a certificate of qualification issued by or under the authority of the state board of education. And in case any city or town shall pay or cause to be paid any of the public money to any person for teaching as aforesaid who did not, at the time of such teaching, hold such certificate, then the commissioner of education shall deduct a sum equal to the amount so paid from the amount of the state's money due, or which may thereafter become due, such city or town before giving his order in favor of such city or town for any of the public money under the provisions of chapter sixty-five.

SEC. 2. The state board of education shall hold, or cause to be held, in such places in different parts of the state, and at such times as they may determine, examinations for the position of teacher in the public schools of this state; and said board of education is hereby authorized to issue certificates of qualification which shall be valid throughout the state for the grade and time specified therein.

SEC. 3. Said state board of education may, in their discretion, issue certificates of qualification without examination to persons who may present evidence of qualification and shall comply with the regulations of said board.

SEC. 4. Said board of education may at any time annul for cause any certificate issued by them, after due notice to the holder thereof, and an opportunity for a hearing if desired.

SEC. 5. The school committee of any town may, on reasonable notice and a hearing of such teacher, dismiss any teacher for refusal to conform to the regulations by them made, or for other just cause.

P. L. 1909: Ch. 458.

Sec. 1. (as amend. 1922: 2234, sec. 18.)

The annual salary of a teacher regularly employed in any public school, except as authorized by the state board of education, shall be not less than six hundred fifty dollars.

G. L. 1909: Ch. 68.

Sec. 7. (as amend. 1916: 1377.)

No member of the school committee of any town shall, so long as he continues in said office as member of the school committee, be eligible or employed to teach as principal, supervisor, or assistant in any school supported entirely or in part by the public money, or to serve as superintendent of schools, within the town in which said member of the school committee resides.

SEC. 8. Every teacher shall aim to implant and cultivate in the minds of all children committed to his care the principles of morality and virtue.

G. L. 1909: Ch. 69.

Sec. 1. (as amend. 1909: 401; 1914: 1090; 1915: 1213.)

Any person of either sex who for thirty-five years has or shall have been engaged in teaching as his principal occupation, and has or shall have been regularly employed as a teacher in the public schools or in such other schools within this state as are supported wholly or in part by state appropriation, and are entirely managed and controlled by the state, twenty-five years of which employment, including the fifteen years immediately preceding retirement, has or shall have been in this state, and who, at the expiration of the school year in June, has been or shall have been retired by his employer or has or shall have voluntarily retired from active service, shall, on his formal application, receive from the state for the remainder of his life an annual pension equal to one-half of his average contractual salary during the last five years before retiring, but in no case shall such annual pension be more than five hundred dollars: *Provided, however,* that no such employment as teacher within this state after the passage of this act shall be included within its provisions, unless the teacher shall hold a certificate of qualification issued by or under the authority of the state board of education. Any teacher who has or shall have been regularly employed not less than twenty years in the public schools of this state and who has or shall have become physically or mentally incapacitated during service and who has or shall have been retired by his employer or has or shall have voluntarily retired from active service, shall, with the approval of the state board of education, receive from the state such proportion of the annual pension provided in this section as the number of years of his or her service shall compare to the number of thirty-five years required by the provisions of this section for the retirement of teachers on pension; and said state board of education may terminate any such pension for just cause and may make such rules and regulations as it may deem necessary for the carrying out of the provisions of this section.

SEC. 2. The state board of education shall make all needful regulations for issuing certificates of qualification and carrying into effect the other provisions of this chapter, and shall examine into and determine the eligibility of each and every applicant to receive a pension under the provisions of this chapter.

Sec. 4. (as added 1917: 1500.)

The term "teacher" as used in this act shall include every person employed as a teacher, supervisor or superintendent or assistant superintendent of schools, and the term "teaching" shall include teaching, supervising and superintending or assisting in superintending schools. Periods of employment as teacher, supervisor, superintendent or assistant superintendent may be combined in computing the periods of service and employment specified in this act.

Sec. 5. (as added 1921: 2053 and 2054; 1922: 2182.)

The term "teacher" as used in this chapter shall include all persons employed as teachers in such colleges and schools, including schools in public institutions, as are entirely managed and controlled by the state, and also all persons employed as teachers directly by the state board of education for the education of the blind.

Sec. 6. The pension to be paid under the provisions of this chapter shall in no instance be less than at the rate of four hundred dollars annually.

6. BENEFICIARIES AT SCHOOL OF DESIGN.

G. L. 1909: Ch. 77.

Sec. 4. The state board of education are hereby authorized to appoint as state beneficiaries at the Rhode Island School of Design, persons of proper age, character and acquirements, who have not the means of defraying the expense of instruction in said school themselves.

Sec. 5. The secretary of the board of education shall receive and file in their order the applications of all persons who desire to receive such appointment; and in making their appointments the board shall, as far as practicable, make them so that the people of the several counties may participate in the advantages as nearly as possible in proportion to the respective populations of the counties according to the last United States census.

7. OFFENCES AGAINST STUDENTS.

G. L. 1909: Ch. 343.

Sec. 29. (as added 1909: 431.)

Every person, being a student, or being a person in attendance at any public, private, parochial, or military school, college, or other educational institution, who shall knowingly and willfully commit any act that injures, frightens, degrades, or disgraces, or tends to injure, frighten, degrade, or disgrace any fellow student or person attending such institution, shall be held guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars or imprisonment not less than thirty days nor more than one year, or both.

Sec. 30. (as added 1909: 431.)

Every person, being a teacher, superintendent, commandant, or other person in charge of any public, private, parochial, or military school, college, or other educational institution, who shall knowingly permit any act which shall injure, frighten, degrade, or disgrace any person attending the institution in which he is in charge or with which he may be connected, as aforesaid, shall be guilty of a misdemeanor, and shall be fined not less than ten dollars nor more than one hundred dollars.

Sec. 31. (as added 1909: 431.)

Every person, being a student, or being a person in attendance at any public, private, parochial, or military school, college or other educational institution, who shall tattoo or knowingly and willfully permanently disfigure the body, limbs, or features of any fellow student or person attending such institution, by the use of nitrate of silver or any like substance, or by any other means, shall be held guilty of a crime of the degree of mayhem, and any person guilty of the same shall upon conviction be imprisoned not exceeding ten years nor less than one year.

8. INSTRUCTION REGARDING FIRE PREVENTION.

P. L. 1921: Ch. 2025.

SECTION 1. The commissioner of education is hereby empowered and directed to prescribe a course of study in fire prevention for use in the public schools of the state, dealing with the protection of lives and property against loss or damage as a result of preventable fire.

SEC. 2. It shall be the duty of the state board of education, school superintendents, school committees, or other committees or persons having control of public schools, in cities, and towns, to arrange for said course of study, and require its use in each school under its or their control or direction.

SEC. 3. On and after September first, A. D. 1921, it shall be the duty of each teacher in any public school to devote not less than one hour in each month, during which such school is in session, to the instruction of the pupils thereof in said course of fire prevention, comprising the ways and means of preventing loss and damage to lives and property through preventable fires.

9. FIRE DRILLS.

G. L. 1909: Ch. 68.

Sec. 9. (as added 1912: 797.)

It shall be the duty of the principal or other person in charge of every public school or private school or educational institution within the state, having more than twenty-five pupils, to instruct and train the pupils by means of drills, so that they may in a sudden emergency be able to leave the school building in the shortest possible time and without confusion or panic. Such drills or rapid dismissals shall be held at least once each month.

Sec. 10. (as added 1912: 797.)

Neglect by any principal or any person in charge of any public or private school or educational institution to comply with the provisions of this article shall be a misdemeanor punishable by a fine not exceeding fifty dollars.

Sec. 11. (as added 1912: 797.)

It shall be the duty of the commissioner of education to

formulate a uniform fire code or drill tactics to be used in all schools in accordance with the two preceding sections, and to furnish a sufficient number of copies thereof for use in all schools.

10. PHYSIOLOGY AND HYGIENE, INSTRUCTION REGARDING.

G. L. 1909: Ch. 67.

SEC. 4. The school committees of the several towns shall make provision for the instruction of the pupils in all schools supported wholly, or in part, by public money, in physiology and hygiene, with special reference to the effects of alcoholic liquors, stimulants and narcotics upon the human system.

11. PHYSICAL TRAINING.

P. L. 1917: 1541.

SECTION. 1. All children above the age of eight years, attending public schools or such other schools as are managed and controlled by the state shall receive therein instruction and practice in physical training under such regulations as the state board of education may prescribe or approve during periods which shall average at least twenty minutes in each school day. No private school or private instruction shall be approved by any school committee for the purposes of Chapter 72 of the General Laws as substantially equivalent to that required by law of a child attending a public school in the same city and town unless instruction and practice in physical training similar to that required in public schools shall be given.

12. OPEN AIR SCHOOLS.

P. L. 1912: Ch. 816.

SECTION 1. The school committee of any city or town is hereby authorized and empowered to establish within its limits open air schools for the instruction of such children of school age as in its judgment are not in such physical condition that they can be safely instructed in the ordinary schools of the city, and to furnish for the conduct of such schools such medical, food or other supplies as are necessary for the purposes for which such schools are or may be established.

13. BLIND.

G. L. 1909: Ch. 100.

Sec. 4. (as added 1913: 945.)

The state board of education shall have power to provide for the suitable care, maintenance and instruction of babies and children under school age residing in this state who may be born blind or become blind, in any case where by reason of lack of means or other cause the parent or parents of such children may be unable to properly care for, maintain and educate such children.

SEC. 5. For the purpose of providing such care, maintenance and education the said board of education shall have power to contract with any institution having or furnishing facilities for such care, maintenance and education in this or any other state at a contract price to be agreed upon, not exceeding one dollar per day: *Provided*, that such contract shall be made by and with the written consent of the parents or the surviving parent of any such child.

14. SCHOOL MEDICAL INSPECTION.

P. L. 1911: 725.

SECTION. 1. There shall be an annual appropriation for medical inspection of schools in the several towns and cities of this state, and said appropriation shall be annually apportioned by the state board of education among towns and cities conforming to the provisions of this act. Any town or city providing medical inspection, approved by the state board of education, shall be entitled to receive annually from the state appropriation an amount equal to one-half its annual expenditure for such purpose, said amount not to exceed two hundred and fifty dollars. The school committee of any town or city may employ one or more school physicians, each of whom shall at least once each year make examination of the pupils, teachers and janitors of the schools, public and private, assigned to his care and of the buildings and surroundings thereof, and shall make report of such examination to the superintendent of schools in said town or city for such action as may be necessary.

SEC. 2. Every superintendent of schools shall cause an examination of the sight and hearing of all children of the schools under his supervision to be made at least once a year by teachers or school physicians, and shall make provision for preserving the record of the examination of such children and for notifying the parents of defects.

SEC. 3. The state board of education from time to time shall approve proper standards of lighting, heating, ventilating, seating, and other sanitary arrangements of school buildings, and proper regulations concerning the same as it may deem necessary for the safety of and health of persons who may attend school, and shall communicate the same to the school committee of each city and town and to any committee of any body having charge of the erection, alterations, equipment or furnishing of any school building.

P. L. 1917: Ch. 1484.

SECTION 1. In towns providing medical inspection for schools the school physician or other person employed by or under the authority of the school committee to make an examination of the health of school children shall report to the superintendent of schools dental defects or conditions arising therefrom found by him, with the names of the children affected. The superintendent of schools shall make provision for preserving the records of health examinations of school children, and for notifying parents or custodians of children of conditions requiring professional or skilled treatment.

SEC. 2. The school committee may provide at the expense of the town proper dental treatment for children found to be suffering from dental defects or conditions arising therefrom whose parents or guardians or custodians neglect to provide proper dental treatment within one month after receiving a notice of the need thereof as required by section 1 of this act.

15. VOCATIONAL EDUCATION.

P. L. 1912: Ch. 845.

SECTION 1. In case any town shall provide instruction in manual training and household arts in its public schools, with the approval of the state board of education, such town shall be entitled to receive as aid from the state a sum not exceeding one-half of the amount expended by said town for the purchase of apparatus necessary for such instruction.

P. L. 1918: Ch. 1622.

SECTION 1. The State of Rhode Island and Providence Plantations hereby accepts the provisions of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled, entitled "An act to provide for the promotion of vocational education; to provide for co-operation with the States in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the States in the preparation of teachers of vocational subjects; and to appropriate money, and regulate its expenditure," approved February 23, 1917, and hereby designates the General Treasurer as custodian for vocational education as required by said act of Congress, and the State Board of Education as the state board for vocational education for the purposes of said act. The State Board of Education shall have and shall exercise all the powers necessary to co-operate for the State of Rhode Island with the Federal Board for Vocational Education in the administration of the provisions of the said act of Congress.

P. L. 1912: Ch. 845.

Sec. 2. (as amend. 1918: 1654.)

Any town that shall establish and maintain day or evening courses for vocational industrial education, including instruction in the principles and practice of agriculture, and training in the mechanic and other industrial arts, which courses are approved as to equipment, instruction, expenditure, supervision and conditions of attendance by the state board of education, shall be entitled to receive aid from the state in support of instruction in such courses to an amount not exceeding one-half of the entire expenditure for the same. The cost of equipment or of buildings or of land or of rent of rooms shall not be included in this reckoning. This section shall not be construed to entitle towns to receive state aid for manual training high schools or other secondary schools maintaining manual training de-

partments, except in so far as such schools include courses properly classed as industrial courses. The state aid authorized under this section may be in addition to aid apportioned under the provisions of the Federal Vocational Education Act.

P. L. 1921: Ch. 2031.

SECTION 1. The State of Rhode Island and Providence Plantations hereby accepts the provisions of an act passed by the senate and house of representatives of the United States of America in congress assembled, entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise, and their return to civil employment," approved by the President June 2, 1920. The state board for vocational education is hereby empowered and directed to co-operate with the federal board for vocational education in the administration of such act of congress within the state of Rhode Island, and to supervise courses of vocational rehabilitation to be organized. The general treasurer shall receive and provide for the proper custody of all money paid to the state from the federal treasury under the provisions of said act of congress, and shall disburse such money upon orders drawn under the direction of the state board for vocational education.

16. COMPULSORY EDUCATION.

G. L. 1909: Ch. 72.

Sec. 1. (as amend. 1917: 1492; 1922: 2234, sec. 14.)

Every child who has completed seven years of life and has not completed sixteen years of life, unless he has completed in the public schools the elementary studies taught in the first eight years of school attendance, exclusive of kindergarten instruction, provided for in the course of study adopted by the school committee of the city or town wherein such child resides, or unless he shall have completed fourteen years of life and shall be lawfully employed at labor or at service or engaged in business, shall regularly attend some public day school during all the days and hours that the public schools are in session in the city or town wherein he resides; and every person having under his control a child as above described in this section shall cause such child to attend school as required by the above stated provisions of this section, and for every neglect of such duty the person having control of such child shall be fined not exceeding twenty dollars: *Provided*, that if the person so charged shall prove or shall present a certificate made by or under the direction of the school committee of the city or town wherein he resides, setting forth that the child has already completed the elementary studies above mentioned; or that the child has attended for the required period of time a private day school, or received private instruction approved by the state board of education; or that the physical or mental condition of the child was such as to render his attendance at school inexpedient or impracticable; or that the child was destitute of clothing suitable for attending school and that the person having control of said child was unable to provide suit-

able clothing; or that the child was excluded from school by virtue of some general law or regulation—then such attendance shall not be obligatory nor shall such penalty be incurred; but nothing in this section shall be construed to allow the absence or irregular attendance of any child who is enrolled as a member of any school, or of any child sent to school by the person having control of such child.

SEC. 3. The school committee of each city or town shall annually in the month of December appoint one or more persons as truant officers, who shall by virtue of said appointment be clothed with the power of special constables, and fix their compensation, which shall be payable from the appropriation for public schools. The school committee may also furnish all necessary supplies and clerical assistance for the proper and efficient performance of the duties of the truant officer. The school committee of two or more cities or towns may appoint the same truant officer or officers, and any school committee that appoints teachers or other employees on a different tenure of office than annual appointments, may appoint truant officers on a similar tenure in lieu of the annual appointment above mentioned in this section and may fix their compensation from time to time. Said truant officers shall under the direction of the school committee inquire into all cases arising under the provisions of this chapter, and shall alone be authorized, in case of violation of any of the provisions of this chapter, to make complaint therefor: they may also serve all legal processes issued in pursuance of this chapter, but shall not be entitled to receive any fees for such service: *Provided, however,* that in case of the commitment of any person under the provisions of any section of this chapter, or for default of payment of any fine and costs imposed thereunder, such officer shall be entitled to the regular fees allowed by law for similar service.

SEC. 4. The truant officers may visit any places or establishments where such minor children as are described in the preceding sections of this chapter are employed, to ascertain whether the provisions of this chapter are duly complied with, and may as often as twice in every year demand from all employers of such children a report containing the names of all children who have not completed sixteen years of life that are employed by them, such report to give the names, ages, and residences of all such children; and all employers of such children shall, upon request, produce for the inspection of the truant officer the certificates prescribed in chapter seventy-eight; and for any refusal to make such reports as are above provided for, or for any refusal to produce the above-mentioned certificates, any employer of such children shall be fined not exceeding ten dollars.

Sec. 5. (as amend. 1922: 2210.)

Every habitual truant, that is, every child who is required under section one of this chapter to attend school and who wilfully and habitually absents himself therefrom, and every habitual school offender, that is every child who is required to attend school under the

provisions of section one of this chapter, but who persistently violates the rules and regulations of the school which he attends, or otherwise persistently misbehaves therein, so as to render himself a fit subject for exclusion therefrom, may be complained of by the truant officer for being an habitual truant, or habitual school offender, as the case may be, and upon such complaint, shall be committed to the state home and school for a period not exceeding his majority: *Provided, however,* that any court or magistrate by whom a child has been convicted of an offense under this chapter may in his discretion defer sentence and place such child on probation in the custody and control of a truant officer of the city or town where such child resides, or of a probation officer, for such period of time and upon such conditions as said court or magistrate may deem best; and whenever within such period the child violates the conditions of his probation he shall be brought into court and said court or magistrate may in his discretion place such child on further probation in the custody and control of the penal and charitable commission for such period of time and upon such conditions as said court or magistrate may deem best; and whenever within such period the child violates the condition of his further probation he shall be brought into court and receive sentence for the offense of which he was convicted when he was placed on probation; *Provided, however,* that the child may at any time demand that sentence be passed upon him; *and also provided,* that the court or magistrate, whenever convinced that the child has reformed, may discontinue the complaint without sentence.

SEC. 6. All fines under the provisions of this chapter shall inure and be applied to the support of the public schools in the city or town where the offence was committed.

SEC. 7. The district courts of the state shall have jurisdiction in their respective districts of all cases arising under this chapter.

SEC. 8. No officer complaining under any of the provisions of this chapter shall be required to give surety for costs; and such officer shall not in anywise become liable for any costs that may accrue on such complaint.

17. MISCELLANEOUS.

G. L. 1909: Ch. 73.

SECTION 1. No person shall be excluded from any public school on account of race or color, or for being over fifteen years of age, nor except by force of some general regulation applicable to all persons under the same circumstances.

SEC. 2. Every school officer who shall make any false certificate, or appropriate any public school money to any purpose not authorized by law, or who shall refuse for a reasonable charge to give certified copies of any official paper, or to account for or deliver to his successor any accounts, papers or money in his hands, or shall willfully or knowingly refuse to perform any duty of his office, or violate any provisions of any law regulating public schools, except where a par-

ticular penalty may be prescribed, shall be fined not exceeding five hundred dollars or be imprisoned not exceeding six months, and shall be liable to an action of the case for damages to be brought by any person injured thereby.

SEC. 3. Any school receiving aid from the state, either by direct grant or by exemption from taxation, may be visited and examined by the school committee of the town in which such school is situated, and by the members of the board of education and the commissioner of education, whenever they shall deem it advisable.

Sec. 4. (as amend. 1922; 2234, sec. 15.)

Whenever such school shall refuse to permit such visitation, when requested, or shall refuse or neglect to keep the school register and to make returns as required by law, its exemption from taxation shall thereafter cease to be determined; and the state board of education or the superintendent of schools as the case may be shall notify the assessors of taxes in the town or city wherein such school may be located of such refusal or neglect.

G. L. 1909: Ch. 73.

SEC. 5. No person shall keep any swine in any pen or other enclosure, or shall keep or suffer to be kept any other nuisance, within one hundred feet of any school-house or within one hundred feet of any fence enclosing the yard of any such school-house.

SEC. 7. No superintendent or school committee of any town, or any person officially connected with the government or direction of the public schools, shall receive any private fee, gratuity, donation or compensation in any manner whatsoever for promoting the sale or the exchange of any school-book, map or chart in any public school, or be an agent for the sale or the publisher of any school text-book, or be directly or indirectly pecuniarily interested in the introduction of any school text-book; and any such agency or interest shall disqualify any person so acting or interested from holding any school office whatsoever.

Sec. 10. (as added 1922: 2334, sec. 6.)

Excepting under the rules and regulations promulgated from time to time by the school committees of the several towns and cities no teacher employed in any public school shall, for any purpose whatsoever, solicit, exact or receive from any pupil in any public school any contribution or gift of money or any article of value, or any pledge to contribute any money or article of value; nor shall any article be sold or offered for sale to public school pupils or teachers on any public school premises, nor shall any article be sold through the agency of pupils in the public schools, excepting the sale of school lunches under rules and regulations prescribed by the school committee; nor shall any teacher in any public school solicit or receive from his pupils subscriptions for any newspaper, periodical or magazine, or act as agent directly or indirectly for the distribution of such publications in the public

schools; nor shall any teacher in any public school, at any time other than during the regular summer vacation of the public schools, accept any fee or gift for the tutoring of any child regularly under his instruction; nor shall any person distribute through or in the public schools or to children on their way to or from school any circular, sample, package, coupon, ticket or other similar advertising matter.

Sec. 11. (as added 1922: 2234, sec. 16.)

No society secret or otherwise, no fraternity or sorority, and no club to membership in which less than the entire student body shall be eligible shall be formed in any public school or among the pupils of the public schools; *provided*, that this section shall not apply to class or school organizations formed and conducted exclusively for the purposes of promoting approved school activities, and subject to supervision and direction by teachers under rules and regulations prescribed by school committees.

Sec. 12. (as added 1922: 2234, sec. 16.)

Every person violating any provision of this chapter shall be fined not exceeding fifty dollars or be imprisoned not exceeding thirty days unless herein otherwise provided.

N. NEWSBOYS.

P. L. 1915: Ch. 1264.

SECTION 1. No boy under twelve years of age and no girl under sixteen years of age shall, in any street or other public place in any city having a population of over 70,000 inhabitants, sell or offer for sale any newspaper, magazine, periodical, or any other article, or exercise the trade of bootblack or scavenger.

SEC. 2. No boy under sixteen years of age shall, in any of the places mentioned or described in the preceding section, perform any act therein mentioned or described until a permit and a badge have been issued to him by the truant officer of the city where he resides; and no such boy shall in any of said places perform any of said acts except while wearing such badge in a conspicuous place on his clothing.

SEC. 3. Said permit and badge shall be issued only upon the application of the parent, guardian, or other person having the custody of the boy desiring such permit and badge, or, in case such boy has no parent, guardian or custodian, then upon the application of his next friend, an adult. Such application must be accompanied by a written statement of the principal teacher of the school which the boy is attending, stating that such boy is an attendant at such school, that he is, in the opinion of such principal teacher, of the normal development of the average boy of his age and physically fit for such employment, and that said principal teacher approves the granting of such permit and badge to such boy. Said application and statement shall be placed on file with the officer mentioned in the preceding section. If satisfied with said application and written statement of said principal teacher, such officer shall forthwith issue

to the applicant a permit and a badge at cost and the moneys so received for said badges shall be by said officer paid over to the general treasurer within one month after their receipt to be turned in to the treasury of the state.

SEC. 4. The permit shall be numbered, shall give a sufficient description to identify the boy, and shall give the date and place of birth of said boy, his name and address, and the name and address of his parents, guardian, custodian, or next friend, and shall state that the application and statement required by the preceding section have been duly filed and examined, and approved by the officer issuing the permit. The badge shall be of metal and shall bear the number of the permit and of the year for which it is issued. Said permit and badge shall be valid during one calendar year only. All such badges shall be furnished by the state board of education, and all such badges issued in the same calendar year shall be of the same color, shape and design. New badges shall be issued annually, and the color or shape of such badges shall be changed materially each year. No boy to whom a permit or badge has been issued shall give, sell, loan, or otherwise transfer such permit or badge to any person.

SEC. 5. No boy under sixteen years of age shall, in any of the places mentioned or described in section 1 of this act, perform any of the acts therein mentioned or described after nine o'clock in the evening, before five o'clock in the morning, or, unless holding an employment certificate, during the hours when the public schools in the city or town in which such child resides are in session.

SEC. 6. The permit and badge of any boy who shall give, loan, sell or otherwise transfer either his permit or badge, or who shall violate any of the provisions of this act, or who shall fail to comply with all of the legal requirements concerning school attendance, or to whom the possession of said permit and badge is, in the opinion of the principal teacher of the school which he attends or of the officer authorized to issue such permits, detrimental to his studies or well-being, may be revoked or suspended by such officer; and, upon such revocation or suspension, such boy shall forthwith surrender the permit and badge so revoked or suspended. The refusal of any such boy to surrender his permit and badge upon such revocation or suspension, or the performance by him of any of the acts mentioned or described in section 1 of this act, in any of the places therein mentioned or described, after notice of the revocation or suspension of such permit and badge shall be deemed a violation of this act.

SEC. 7. The principal teacher of each school in which boys under sixteen years of age are pupils shall keep a complete list of all boys in his school to whom permits and badges as herein provided, have been issued, and, whenever in his opinion the possession of such permit and badge is detrimental to the studies or well-being of any such boy, shall report the same to the officer authorized to revoke the permit and badge of such boy.

SEC. 8. The officers authorized by section 2 of this act to issue permits and badges, probation officers, the principal teachers of all

public schools and the police officers shall enforce this act. A complaint of a violation of any of the provisions of this act may be brought by any person: *Provided, however*, that if the offender be a child then proceedings against such child shall be by petition to the juvenile court.

SEC. 9. Any child who shall violate any of the provisions of this act shall be warned by an officer whose duty it is to enforce this act; and the parents, guardian, custodian, or next friend of such child shall also be warned by such officer.

SEC. 10. Any person having control over such child as parent, guardian or otherwise, who permits or suffers such child to violate any of the provisions of this act shall, for each offence subsequent to the first offence, be fined not more than five dollars.

O. AMERICANIZATION.

P. L. 1919: Ch. 1802.

SECTION 1. One or more public evening schools, in which attendance shall be free for persons resident in the town in which such school shall be located, and in which the speaking, reading and writing of the English language shall be taught for two hours on each of at least one hundred nights between the first of September and the first of June in each year, shall be established and maintained by the school committee of every town in which twenty or more persons more than sixteen and less than twenty-one years of age who cannot speak, read and write the English language are resident; *Provided*, that the school committee of two adjoining towns may unite for the purpose of establishing and maintaining jointly, at some convenient place, an evening school for persons resident in both towns.

SEC. 2. The school committee of any town may establish and maintain one or more public day continuation schools for the teaching of the English language and American citizenship, at which any person beyond compulsory school age, resident in such town may attend free of expense, or may make provisions, at the expense of the town, for the attendance of such persons in continuation schools in other towns.

SEC. 3. Every person who has completed sixteen years of life and who has not completed twenty-one years of life, and who cannot speak, read and write the English language in accord with standards approved by the state board of education, and who resides in a town in which the school committee has established a day continuation school for the teaching of the English language, or an evening school, shall attend either the day continuation school or the evening school at least two hundred hours between the first day of September and the first day of June in every year until he shall have acquired reasonable facility in speaking, reading and writing the English language in accord with standards approved by the state board of education. For the purpose of this act day continuation or evening schools may be established in shops or factories, *Provided*, that such schools are under control and supervision of the school committee. Attendance in private schools

or private instruction in the English language may be accepted as compliance with this act in lieu of attendance on public instruction only if the private instruction is approved by the school committee as substantially equivalent in content, method and the hours of instruction to the instruction offered in public schools. Persons instructed in private schools or receiving private instruction in accordance with the provisions of this section shall be deemed as having acquired reasonable facility in speaking, reading and writing the English language as provided in this section, only after the successful passage by such person of an examination, provided for by the school committee.

SEC. 4. Any person who has completed sixteen years of life and who has not completed twenty-one years of life, and who does not speak, read and write English in accord with standards approved by the state board of education, who resides in a town in which the school committee has made provision for the teaching of the English language in compliance with this act, who habitually absents himself from public instruction, is sufficiently irregular to make it impossible for him to complete two hundred hours of instruction annually within the time set by the school committee for conducting such schools, and who is not attending private instruction approved by the school committee as provided in section 3 of this act, may be fined for each willful absence one dollar and not exceeding twenty dollars in the aggregate during one year or for persistent refusal to attend such instruction, may be committed to an institution during his minority.

SEC. 5. Public evening schools and day continuation schools established under the provisions of this act may, if approved by the state board of education, receive state support from the annual appropriations for evening schools and industrial education.

SEC. 6. The state board of education is hereby authorized and empowered to provide for the visitation, inspection and supervision of day and evening schools maintained under the provisions of this act.

Sec. 7. (as added 1920: 1903.)

The truant officer or truant officers appointed by the school committee in compliance with the provisions of section 3 of chapter 72 of the general laws, shall, under the direction of the school committee, inquire into all cases of irregular attendance or of failure or neglect to attend upon instruction in compliance with the requirements of this chapter, and shall be authorized to make complaints in case of violation of the compulsory attendance provisions of this chapter, and to serve legal processes issued in pursuance of this chapter: *Provided*, that no truant officer complaining under the provisions of this chapter shall be required to give surety for costs, and no such officer shall become liable for any costs that may accrue on such complaint.

Sec. 8. (as added 1920: 1903.)

The superintendent of schools of every town shall annually, on or before the first day of October, notify the state board

of education in writing of the number and location and hours of session of schools established and maintained by the school committee in compliance with the provision of section 1 of this chapter and thereafter shall give immediate and similar notice of any school or schools subsequently established during the school year.

P. EMPLOYMENT.

1. APPRENTICESHIP.

G. L. 1909: Ch. 249.

SECTION 1. Every minor may be bound by deed as a servant and apprentice by his father, and, in case of his decease, by his mother, or, being under the age of fourteen years, by his guardian legally appointed.

SEC. 2. The minor, if fourteen years of age and having no such parent, may, of his voluntary accord, with the approbation of his guardian, or, in case of no such guardian, by and with the approbation of the town council of the town where such minor belongs or resides, bind himself by deed as an apprentice or servant.

SEC. 3. Females may be bound or bind themselves as aforesaid, to the age of eighteen years, or to the time of their marriage within that age, and males to the age of twenty-one years.

2. EMPLOYMENT OF MINORS.

G. L. 1909: Ch. 78.

Sec. 1. (as amend. 1910: 533; see 1911: 653; 1913: 956; 1915: 1253; 1916: 1378; see 1358; 1921: 2027; 1922: 2232.)

Clause 1. No child under fourteen years of age shall be employed or permitted or suffered to work in any factory, or manufacturing or business establishment within this state, and no child under sixteen years of age shall be employed or permitted or suffered to work in any factory, or manufacturing or business establishment within this state between the hours of eight o'clock in the afternoon of any day and six o'clock in the forenoon of the following day.

Clause 2. No child under sixteen years of age shall be employed or permitted or suffered to work in any factory or manufacturing or business establishment unless said person, firm, or corporation employing him or her shall have in his, their or its possession an age and employment certificate, given by or under the direction of the school committee of the city or town in which said child resides; such certificate shall state (a) the name of said child; (b) the date and place of birth of said child; (c) the height, color of eyes and hair, and complexion of said child; (d) the name and place of residence of the person having control of said child, and such certificate shall certify (1) that said child has completed fourteen years of age, (2) that said child is able to read at sight and write legibly simple sentences in the English language and has completed a course of study equivalent to six yearly

grades, and has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and thirty days, either during the twelve months previous to arriving at the age of fourteen years or during the twelve months previous to applying for such employment certificate, and (3) that said child has been examined physically by a licensed physician, and that said physician has certified that said child is in sufficiently sound health and physically able to be employed in any of the occupations or processes in which a child between fourteen and sixteen years of age may be legally employed. The statements contained in such certificate in regard to the name, date and place of birth of said child, shall be substantiated by a duly attested copy of the birth certificate, baptismal certificate, or passport of such child. The statement contained in such certificate in regard to the school record of said child shall be substantiated by a signed statement from the principal or chief executive officer of the school which the child has last attended, certifying that the child has complied with the educational requirements as above stated. Such statement shall also give the name, date of birth and residence of the child as shown on the records of the school and the name of the parent or guardian or custodian. After the official authorized to issue the age and employment certificate above named has determined that the child applying for such certificate is fourteen years of age and has completed the necessary course of schooling as above required, said official shall send such child to a physician for a physical examination: *Provided*, that the physical examination of any such child who resides in the city of Providence shall be made by either of the physicians appointed as hereinafter provided by the commissioner of education, and no age and employment certificate shall be issued to any child until the physician as above provided shall certify in writing that said child is in sufficiently sound health and physically able to be employed in any of the occupations or processes in which a child between fourteen and sixteen years of age may be legally employed. For making the physical examination and certifying as to the health, the physician, except those physicians appointed by the commissioner of education under this act, shall receive from the state the sum of one dollar. He shall render to the secretary of the state board of education his account, properly certified by the official authorized to issue the age and employment certificate required by this section. The commissioner of education is hereby authorized to appoint two physicians for the city of Providence, who shall make the physical examinations in accordance with the provisions of this section. On the first day of May, 1915, said commissioner shall appoint said physicians for the term of three years and every third year thereafter said commissioner shall appoint two physicians for the term of three years to perform the duties required by this section. Any vacancy occurring during any such term shall be filled by appointment by said commissioner for the unexpired portion of such term. Said physicians shall examine all the children in said city between fourteen and sixteen years of age who shall apply for a physical examination in accordance with the provisions of this section. Said physicians shall each receive in full compensation for his

services the sum of twelve hundred dollars, annually, on vouchers approved by the commissioner of education.

Clause 3. Such age and employment certificate may be applied for, the examination made, and the certificate completed at any time, but such age and employment certificate shall be kept on file and not delivered by the official authorized to issue the same until he shall have received a written statement signed by the employer, or by an authorized manager, superintendent or agent of the employer, with the name and address of the employer agreeing to employ the child in accordance with the provisions of this act, and all provisions of law governing such employment, and upon termination of the employment of said child, to dispose of said certificate as hereinafter provided. All such certificates shall be delivered to the employer when issued and in force and in no case to the child.

Clause 5. Such certificate shall, within five days after termination of the employment of said child be by the employer returned to the school committee which issued it or to such person as such committee shall designate and shall be kept on file until the official authorized to issue such certificate shall have received a written statement as hereinbefore provided, that such child will be employed in accordance with the provisions of law and that upon the termination of such employment, said certificate will be disposed of as herein provided.

Clause 6. In case it appears to the satisfaction of the school committee, or person authorized to give such certificate, that neither the birth certificate, baptismal certificate nor passport of such child can be produced, the age and employment certificate may be granted on other evidence satisfactory to the secretary of the state board of education.

Clause 7. All certificates required by this chapter relating to the qualification of children employed in any factory, or manufacturing or business establishment coming under the provisions of this chapter, shall be kept by the employer at the place where such child is employed, and shall be shown to the factory inspectors provided for by this chapter, or either or any or them, on demand by said inspector or inspectors; and the proprietor or manager of any such factory or manufacturing or business establishment who shall fail to produce or shall refuse to show to any factory inspector any such certificate when demand is made therefor shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten nor more than fifty dollars.

Clause 8. Whenever any factory inspector shall have reason to doubt the accuracy of any statement made in any such certificate concerning the age or other qualifications of any child employed thereunder, such inspector shall demand such certificate of the employer of such child, and upon receiving the same shall give such employer a receipt therefor. If after investigation such inspector shall find that such certificate should not have been issued to said child under the provisions of this law, then he shall deliver such certificate to the person

who issued it, and shall order it to be cancelled, and shall forthwith notify the said employer that such child must not be longer employed. Every employer or proprietor or manager of any factory or manufacturing or business establishment who shall continue to employ such child after receiving such notice from any factory inspector shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalty imposed by section 12 of this chapter.

Clause 9. Whenever any factory inspector shall have reason to doubt that any child employed in any factory or manufacturing or business establishment, and not provided with an age and employment certificate, has reached the age of sixteen years, such factory inspector shall make demand on such child's employer that such employer shall either furnish him within ten days a certificate of age issued by the same authority and based on the same evidence required for the issuance of age and employment certificates, or shall cease to employ such child or permit or suffer such child to work in such factory or manufacturing or business establishment. In case such employer shall fail to deliver such certificate to the factory inspector, within ten days after such demand, and shall thereafter continue to employ such child, or permit or suffer such child to work in such factory or manufacturing or business establishment, such employer shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the penalty imposed by section 12 of this chapter, and proof of the making of such demand and of failure to deliver such certificate shall be *prima facie* evidence, in any prosecution brought for a violation of this provision, that such child is under 16 years of age and is unlawfully employed.

Clause 10. When any child employed under the provisions of this section leaves his or her employment, the person, firm or corporation by whom such child has been employed shall, within five days after said child has left the employment of said person or corporation, return said certificate to the school committee which issued it, or to such person as the school committee may designate. The school committee of each town, or such person as the school committee may designate to issue the certificate provided for in this section, shall keep on file a copy of each certificate granted, together with the evidence on which such certificate was granted.

Clause 11. In case any child whose age has been proved in the manner provided in this chapter to be at least fourteen years is found to be unable to read and to write legibly simple sentences in the English language, the school committee, or the person authorized by the school committee to issue age and employment certificates, may, and upon the request of some interested person, shall certify the child's school record to the commissioner of education, together with a report of the child's inability to pass the literacy test. If the said commissioner upon consideration of the record, and such other evidence as may be presented or that he shall request, shall find that the child is mentally incapable of learning or of being taught to read and write English, and if the child shall be found by one of the physicians authorized to examine children under the pro-

visions of this chapter to be in sufficiently sound health and physically able to be employed in any of the occupations or processes in which a child between fourteen and sixteen years of age may be legally employed, then the commissioner may authorize the school committee to issue for the child a special permit to work. All special permits to work shall be uniform throughout the state and on a form, including the commissioner's findings, that shall be provided by the commissioner. Except as provided in this clause all special permits to work shall be issued in accordance with and subject to all the provisions and penalties of chapter 78 of the general laws.

G. L. 1909: Ch. 249.

Sec. 22. (as amend. 1909: 384; 1913: 912; 1915, 1218.)

No minor under sixteen years of age, and no woman, shall be employed or permitted or suffered to work in any factory, manufacturing, mechanical, business or mercantile establishment within this state, more than fifty-four hours in any one week, and in no case shall the hours of labor exceed ten hours in any period of twenty-four consecutive hours. Every employer shall post in a conspicuous place, in every room where such persons are employed, a printed or typewritten notice stating the number of hours' work required of such persons on each day of the week, and the hours of commencing and stopping work and the employment of any such person for a longer time in a period of twenty-four consecutive hours than so stated, shall be deemed a violation of this section.

Sec. 23. (as amend. 1913: 912.)

Every person who willfully employs or has in his employ or under his charge any person in violation of the provision of the last preceding section and every parent or guardian who permits any such minor to be so employed shall be fined not exceeding twenty dollars for each offence.

G. L. 1909: Ch. 78.

Sec. 32. (as added 1912: 814.)

No person under the age of twenty-one years shall be employed or permitted or suffered to work as a messenger for a telegraph, telephone or messenger company in the distribution, transmission or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day.

Sec. 33. (as added 1912: 814.)

Any person who either as principal or agent shall employ, suffer or permit to work any person in violation of the provisions of the preceding section shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than twenty dollars, or more than fifty dollars for the first offense, and for a second offense by a fine of not less than fifty dollars, or more than one hundred dollars, or by imprisonment for not less than ten days, or more than six months, or by both such fine and imprisonment.

3. EMPLOYMENT OFFICES.

G. L. 1909: Ch. 50.

Sec. 18. (as amend. 1915: 1233.)

The board of police commissioners of any city or town, and in any city or town where there is no such board, the board of aldermen, or the town council thereof may license suitable persons as keepers of intelligence or employment offices for the purpose of obtaining employment for, or furnishing information concerning places of employment of domestics, servants, laborers and any other classes of employees, except seamen, or for the purpose of procuring or giving information concerning such persons for or to employers, or for the purpose of procuring or giving information generally concerning employment in business; and may issue different classes of such licenses for all or any such purposes, and may fix the amount or amounts to be paid for such license or licenses, and may revoke any such licenses at pleasure; and may make rules and regulations governing such offices and the conduct thereof and the business pertaining thereto or transacted therein, and the charges for obtaining employment for any persons or furnishing any such information to any persons. Whoever without a license therefor establishes or keeps an intelligence or employment office for any of the purposes specified in this section, upon conviction thereof, shall be fined ten dollars for each day such office is so kept; and any person violating any of such rules or regulations, upon conviction thereof, shall be fined not exceeding twenty dollars for each offence.

4. WORKMEN'S COMPENSATION.

P. L. 1921: Ch. 831.

Art. 1, sec. 6. (as amend. 1921: 2095, sec. 2.)

A minor working at an age legally permitted under the laws of this state shall be deemed *sui juris* for the purpose of this act and no other person shall have any cause of action or right to compensation for an injury to such minor employee except as expressly provided in this act; but if said minor shall have a parent living or a guardian, such parent or guardian, as the case may be, may give the notice and file a copy of the same as herein provided by this section, and such notice shall bind the minor in the same manner that adult employees are bound under the provisions of this act. In case no such notice is given, such minor shall be held to have waived his right of action at common law to recover damages for personal injuries. Any employee, or the parent or guardian of any minor employee, who has given notice to the employer that he claimed his right of action at common law may waive such claim by a notice in writing which shall take effect five days after the delivery to the employer or his agent.

G. L. 1909: Ch. 78.

SEC. 2. Every person, firm, or corporation doing business within this state employing five or more persons, or employing any child

under sixteen years of age, shall be subject to the provisions of this chapter, whatever shall be the business conducted by said person, firm, or corporation: *Provided, however,* that the provisions of this chapter shall not apply to children employed in household service or in agricultural pursuits; *and provided, further,* that said provisions shall not apply to the employment of children in the vocation, occupation, or service of rope or wire-walking, or as gymnasts, wrestlers, contortionists, equestrian performers, or acrobats, riders upon bicycles or mechanical contrivances, or in any dancing, theatrical, or musical exhibition, but the employment of children in any vocation, occupation, or service enumerated in this proviso shall continue to be governed by the provisions of the General Laws, chapter one hundred thirty-nine.

5. MISCELLANEOUS.

G. L. 1909: Ch. 78.

Sec. 8. (as amend. 1917: 1522; 1918; 1632; 1920: 1907.)

Separate dressing rooms for women and girls shall be provided in all establishments where such are deemed a necessity by said factory inspectors; and in every manufacturing, mechanical or mercantile establishment in which women or girls are employed, there shall be provided, conveniently located, seats for such women and girls, and they shall be permitted to use them when their duties do not require their standing.

SEC. 6. No minor under sixteen years of age shall be allowed to clean machinery while in motion, unless the same is necessary and is approved by said inspectors as not dangerous. All belting and gearing shall be provided with proper safeguard.

Q. GOVERNING BOARDS OF STATE INSTITUTIONS.

1. PENAL AND CHARITABLE COMMISSION.

P. L. 1917: Ch. 1470.

Art. 1. Sec. 1. (re-enacted 1922: 2230, Sec. 1.)

There shall be a penal and charitable commission, consisting of nine qualified electors of the state, one from each county and four from the state at large, three of whom shall be women and six of whom shall be men, who shall be appointed by the governor (with the advice and consent of the senate, to serve six years each).

SEC. 2. The members of the commission shall serve thereon without pay for their services.

Sec. 3. (as amend. 1922: 2230, sec. 2.)

The commission, except as otherwise provided by law, shall have full oversight, management, control, and supervision of the state prison and reformatory for men, the jail in the county of Providence, the state workhouse and house of correction, the state reformatory for women, the state hospital for mental diseases, the state infirmary, the state reform school, the Exeter school, and the state home and school, together with all the real estate, buildings and personal property connected therewith and appurtenant thereto, and shall, ex-

cept as otherwise provided by law, have full authority and power to provide for the control, discipline, care, education and employment of the inmates of such institutions, and to make such contracts respecting the labor of such inmates as it may deem proper, and to sell or otherwise dispose of the products of the labor of such inmates and of the farms connected with said institutions. The commission, in its discretion, may transfer any inmate of the state infirmary, the state home and school or Exeter school to or from either of such institutions, for the better care of such person.

Sec. 8. (as amend. 1922: 2230, sec. 4.)

The commission shall appoint a director of state institutions who shall represent the commission in all matters pertaining to the management of the institution under its charge, to direct and cause to be executed the plans and details of such management, to investigate and report to the commission any matter or thing which in the opinion of said director may require consideration by the commission regarding the buildings and their equipment, and for the better care and condition of the inmates of the institutions under its charge, and which will tend to reform the inmates of such institutions and prepare them to return to the outside world as useful, law-abiding and self-respecting members of society. He shall be a man of wide experience and of proven ability, and shall be selected without regard to partisan political or geographical considerations. He shall be the chief executive and administrative officer and official agent of the commission, and shall have the general supervision of the several institutions, subject, *however*, in all matters to the authority of the commission, and all appointments by the commission of heads of institutions shall be upon his nomination, subject to the provisions hereinafter made. He shall at all times have access to all books and papers of any appointee or employee of the commission, other than the secretary, relating to their official duties, and all books and papers of any institution under the control of the commission. He shall attend to the distribution of supplies for the several institutions under the control of the commission, and the sale or other disposal of the products of the farms connected with said institutions and of the labor of the inmates of said institutions.

Sec. 18. (as amend. 1922: 2230, sec. 10.)

The director shall from time to time give such information to the commission as it may require, and the commission may from time to time, consistent with law, define the respective limits of each institution under its control within which the officers in charge thereof shall exercise their respective authority and may make such provisions as it may deem necessary for the care and custody of all state property under its control not located within the limits of any institution defined as aforesaid.

Sec. 21. (as amend. 1922: 2230, sec. 12.)

The commission shall make an annual report to the General Assembly during the month of January, setting forth,—

1. The condition and needs of the several institutions under its control; the number of inmates in each institution; and abstract of all reports received from offices incident to the performance of their duties.

2. A complete financial statement of the several institutions, together with estimates of the amounts required for the ensuing year, for salaries and pay, for construction and repairs, and for all other expenses of maintenance.

3. Such information and recommendations as to said commission may seem proper for the efficient administration and development of the several institutions, and for promoting the physical, mental and moral welfare of the inmates thereof, and for measures whereby the number of prospective inmates may be decreased and the number of past inmates kept from returning, may be increased, and for any additional legislation needed for these purposes.

4. Such other information or recommendations as may be requested by the governor or by the general assembly.

Said annual report shall be made a matter of public record.

2. CUSTODY OF FEMALES BY STATE PROBATION OFFICER.

G. L. 1909: Ch. 352.

Sec. 1. (as amend. 1922: 2164.)

The state probation officer, in the case of any female committed to his custody either by the court or under the authority of section two of this chapter, may provide for the care and maintenance of such female, apart from her family, whenever in his opinion the moral improvement and welfare of such female will be promoted thereby, and such care and maintenance shall be for such period as said officer shall deem advisable and shall be paid for by the state at a rate of not exceeding three dollars per week for each female: *Provided*, that every female for whom such provision of care and maintenance is made shall at all times be under the control of said officer, and any such female who has been committed to his care by any court shall continue to be subject to the authority and direction of such court.

SEC. 2. The state probation officer may in his discretion, by written agreement with a parent or guardian, or with any other person or society having the custody of a female, take upon himself, in behalf of the state, the care and custody, for a period of not exceeding six months, of any female under the age of sixteen years: *Provided*, that any agreement he may make under the provision of this section shall not deprive him of the right of relinquishing at any time the care and custody of any child and of surrendering such child to the parent, guardian, person, or society by whom such child was committed to his care and custody.

R. DELINQUENT AND WAYWARD CHILDREN.

1. CURFEW.

P. L. 1911: Ch. 718.

SECTION 1. The police commissioners of any city or town having a police commission, and the chief of police of any other city

or town may designate certain streets in such city or town as curfew streets. No minor under sixteen years of age shall be allowed to loiter on any such curfew street after nine o'clock p. m. unless accompanied by some adult person.

SEC. 2. Any minor under sixteen years of age not accompanied by an adult person, who shall loiter on any such street after being directed by any police constable to cease therefrom, shall be fined not exceeding five dollars.

G. L. 1909: Ch. 347.

SEC. 30. No person under sixteen years of age shall smoke or chew in any public street, place, or resort, any tobacco in any form whatsoever. Any such person violating the provisions of this section shall be fined not more than five dollars for each offence.

2. COURTS.

P. L. 1915: Ch. 1185.

SECTION 1. This act shall apply to all delinquent and wayward children. The term "delinquent" for the purpose of this act shall mean and include any child under sixteen years of age who has violated any city or town ordinance, or has committed an offence against the laws of the state, unless such offence be murder or manslaughter. The term "wayward" for the purposes of this act shall mean and include any child under seventeen years of age who has deserted its home without good or sufficient cause; or who habitually associates with dissolute, vicious or immoral persons; or who is growing up in circumstances exposing it to lead an immoral, vicious or criminal life; or who is habitually disobedient to the reasonable and lawful commands of its parent, or parents, guardian or lawful custodian. The provisions of this act shall apply to any such child who is within the above prescribed age limits at the time a petition is filed against it as hereinafter provided, notwithstanding such child may be over such age limits after the filing of any such petition, and during the hearing thereon.

SEC. 2. The district courts of the several judicial districts of the state shall have and exercise within their respective districts, original jurisdiction of all cases arising under this act, and when sitting in the exercise of such jurisdiction each such district court shall be known and referred to as the "juvenile court" of its respective district.

SEC. 4. Proceedings against a child under this act shall be by a petition to the court in writing, setting forth that in the opinion of the petitioner such child is a delinquent or wayward child, as the case may be, and requires the care and protection of the state, and such petition shall be sworn to before the justice or clerk of the court having jurisdiction over such child. Such petition shall state plainly the facts that bring such child within the provisions of this act, and shall set forth the name, age, and residence of the child, the name and residence of its parents, or guardian, or lawful custodian, or of the person with whom such child resides, if the same be known or

can be ascertained by the petitioner, or the petitioner shall state that they are unknown, if that be the fact. Any person having knowledge, information or belief of the material facts that appear to warrant such a petition, may be a petitioner under this act, and as such shall not be required to give recognizance or surety for costs.

SEC. 5. Every petition under this act shall be filed with the justice or clerk of the court having jurisdiction of the child named therein, and upon the filing of any such petition, such justice or clerk if satisfied that there is reasonable cause for the petition, shall issue a summons requiring such child to appear before said court at a time and place named therein, and shall also cause a summons to be issued to at least one of the parents of such child, if either of them is known to reside within the state, or if there be no such parent, then to the guardian or lawful custodian of such child, if there is one known to be so resident, and if not, then to the person with whom such child resides, if known. Such summons shall require the person upon whom it is served, to appear at a time and place therein stated, and show cause why such child should not be adjudged a delinquent or wayward child, as the petition may set forth, and be dealt with accordingly. Any parent, guardian, lawful custodian or other persons having the care and control of a child, who shall willfully refuse or neglect to appear in court in accordance with any summons served upon him as aforesaid, may be fined not exceeding fifty dollars, or be imprisoned not more than three months. Every child against whom a petition has been filed as aforesaid, shall have the right pending, or at any time during, the hearing upon such petition, to be released from detention upon giving before any officer authorized by section 8 hereof to accept the same, recognizance in such sum and with such surety as to said officer may seem reasonable, to appear before the court and be heard upon such petition whenever called upon so to do, or the justice or clerk of the court in which such petition is filed may in his discretion, release such child on parole in the care and custody of a probation officer or deputy, or of its parent, guardian or lawful custodian, if any there be, upon such terms as said justice or clerk may deem proper, or upon failure to give recognizance as aforesaid, the court may order such child to be detained in one of the institutions prescribed in section 15 hereof, pending a hearing on the petition.

SEC. 6. Any officer authorized to make an arrest for any criminal offence may take into custody without a warrant any delinquent or wayward child within his jurisdiction, but in no case shall such child be detained in custody longer than twenty-four hours without a petition being filed against it. In case a delinquent or wayward child is taken into custody or detained before or after the filing of a petition, or pending a hearing thereon, such child shall not be confined in any prison, jail, lock-up or house of correction, or be transported with, or compelled or allowed to associate or mingle with criminal, vicious or dissolute persons, but such child shall be kept in some suitable place to be set apart by the city or town for such purpose, or shall be

kept under the personal care and custody of the person arresting such child, until by order of the court other disposition is made of the child as provided in the preceding section.

SEC. 10. Whenever the court shall adjudge a child a delinquent or wayward child the court may order such child released upon parole in the care and custody of a probation officer or deputy, or of its parent, guardian or lawful custodian, if any there be, upon condition that such child shall report to the court, probation officer or deputy whenever ordered by the court so to do, and upon such other conditions as the court may affix to such parole, or the court may order such child to be detained in one of the institutions prescribed in section 15 hereof, for a period not exceeding six months at any one time, during which period the court may release such child from such institution on parole, in the care and custody of a probation officer or deputy, or of its parent, guardian or lawful custodian, if any there be, upon such conditions as the court may affix to the parole, or the court may have such child brought before it and discharge the child; or the court may at any time commit such child to such institution for and during its minority, and in such case such child shall not be released from said institution during its minority except with the consent of the penal and charitable commission or of the court. Except as otherwise provided in this act the jurisdiction of a juvenile court over a delinquent or wayward child shall continue during the minority of the child, or until such time during its minority as the child may be discharged by the court, but nothing in this act shall be so construed as to prohibit the bringing of criminal proceedings against any such child who upon reaching the age of sixteen years or after commits an offence against the laws of the state, and upon conviction of such offence the jurisdiction of the juvenile court over such child shall cease and determine.

SEC. 11. If any child released on parole shall fail to observe any of the conditions of its parole, the court that so released such child, may at any time or times during the period of parole, issue a summons or a warrant to have such child brought before it, and in such case, if such child was paroled pending or during the hearing on a petition against it, the court may require such child to give recognizance in such sum and with such surety as to such court may seem reasonable, to appear before the court and be heard upon such petition whenever called upon so to do, or in default thereof, may order such child to be detained in one of the institutions prescribed in section 15 hereof, pending such hearing, or if such child was released on parole after judgment, the court may renew such parole upon different terms and conditions, or may proceed as it might have done if such child had not been released on parole.

SEC. 12. Any child who has been adjudged a delinquent or wayward child may appeal from such judgment to the superior court in and for the county in which such juvenile court is established, such appeal to be claimed in the juvenile court within five days after the entry of such judgment. All such appeals shall be heard by the superior

court with a jury, provided, that such appeals may be heard by the superior court without a jury, if the appellant shall in writing waive a jury trial.

SEC. 13. The juvenile court and the superior court shall have power to exclude the general public from the room in which the hearing on any such petition or appeal is held, admitting thereto only such persons as may have a direct interest in the petition or appeal under hearing, and the records of the juvenile court and of the superior court relating to such appeals may be withheld from public inspection, but such records in any case shall be open at all times to the inspection of any party to the petition or appeal in such case, or to the parent, guardian, lawful custodian or duly accredited attorney of the child against whom such petition is filed. All sessions of the juvenile court and of the superior court at which cases arising under this act are heard shall be held separate from the trial of adult offenders, and as far as practicable shall be held in some room not used for such trials, and the court in the conduct of any hearing under this act may adopt any form of procedure which it deems best suited to ascertain the facts in the case, and need not be bound by the technical rules of evidence in receiving or admitting testimony.

SEC. 15. In all proceedings under this act when the court shall order a child detained in or committed to an institution, such institution if the child be a boy, shall be the Sockanosset school for boys, and if the child be a girl, then the Oaklawn school for girls, and said institutions shall be used as detention homes for wayward and delinquent children until other provision is made therefor.

SEC. 17. Upon the passage of this act and thereafter from time to time as occasion may require, the state probation officer shall assign to service in the several juvenile courts a sufficient number of probation officers, both male and female, to carry out the spirit and purpose of this act. All such probation officers shall receive such compensation for their services as may be fixed by the penal and charitable commission to be paid out of the appropriation provided for in section 24 hereof. The state probation officer, with the approval of the penal and charitable commission, may also appoint from time to time, citizens of the state to serve as deputy probation officers without pay, and such deputies shall have full authority as probation officers in the juvenile court to which they may be assigned by the state probation officer, and shall hold office during the pleasure of said board.

SEC. 18. Whenever a petition shall be filed against a child under this act, the justice or clerk of the court in which such petition is filed shall promptly notify a probation officer or deputy assigned to such court of the time and place assigned for a hearing thereon. Upon the receipt of such notice, it shall be the duty of such probation officer or deputy to investigate the case so that a report may be made to the court at the hearing of such petition, upon the character of the child, its school record, its home and surroundings, and any previous petition or court proceedings against such child, if any. It shall be the duty of said officer or deputy to attend all hearings

of any petition of which he has received notice as aforesaid, and to faithfully perform such duties and services as may be required of him by the court before which such petition is heard: *Provided*, that at all hearings of a petition against a girl, a woman probation officer shall be in attendance and subject to the direction and instruction of the court, and in order that this provision may be strictly complied with, the state probation officer shall have authority to appoint a woman deputy probation officer to serve in the case of any particular petition, when the regular woman probation officer is unable to attend, and such woman deputy shall be paid such *per diem* compensation for her services as may be fixed by the penal and charitable commission.

SEC. 19. Whenever the court shall place a child in the care and custody of a probation officer or deputy, said court may do so upon such terms and conditions not inconsistent with law as said court may deem best for the welfare of the child, but unless otherwise ordered by the court, a probation officer or deputy, in whose care and custody a child has been placed, may make such arrangements for the care of the child as he may deem best for its welfare, and may parole such child in the care of its parent, guardian, or lawful custodian, or in the care of any relative of the child. If a child has been placed in the care and custody of a probation officer or deputy as provided in this act, said officer may at any time before the discharge of such child, take such child before the court without a warrant or the court may issue a warrant for the arrest of such child. When the child is before the court, it may make any disposition of the case which it might have made before the child was placed on probation, or may continue or extend the period of probation. At the end of the probation period of a child, the officer to whose care such child has been committed shall make a report in writing as to the conduct of the child during such period, to the court that placed the child on probation.

SEC. 22. This act shall be liberally construed, in order that the care and custody and discipline of the child shall approximate what should be given by its parents, and that as far as practicable, a delinquent or wayward child shall be considered not as a criminal, but as misguided and in need of encouragement and assistance.

G. L. 1909: Ch. 354.

SEC. 28. Whenever any accused person, under the age of eighteen years, shall be required by any court to enter into recognizance for his appearance before any court, and such person shall not give the same, he may, at the discretion of the court, be committed to the state reform school, there to remain until the required recognizance be given or he be otherwise discharged by law. The warrant or mittimus for the commitment of any such accused person to such reform school shall be, as nearly as the object of such commitment will admit, in the form prescribed in section 48 of this chapter for the commitment of persons sentenced to such reform school; and the penal and charitable commission shall have the same authority over

any such accused person so committed to their custody which they have by law over persons sentenced to such reform school, except that they shall not have authority to bind out or discharge such accused persons.

Sec. 46. (as amend. 1915: 1261.)

Whenever any person under the age of eighteen years shall be convicted by any court of any criminal offence, such court may sentence such person to the state reform school for a term not less than two years, nor longer than his minority, or to such punishment as is otherwise provided by law for the same offence, and if the sentence be to the reform school, then it shall be in the alternative, to the state reform school or to such punishment as would otherwise have been awarded.

3. STATE REFORM SCHOOL.

G. L. 1909: Ch. 359.

SECTION 1. There shall continue to be maintained a school for the confinement, instruction and reformation of juvenile offenders and of young persons of idle, vicious or vagrant habits, to be called the state reform school, divided into two departments, one for boys and one for girls.

SEC. 2. The department for boys shall be called and known as the Sockanosset School for Boys, and any boy hereafter sentenced to the state reform school shall perform his sentence at the said Sockanosset School for Boys.

SEC. 3 The department for girls shall be called and known as the Oaklawn School for Girls, and any girl hereafter sentenced to the state reform school shall perform her sentence at the said Oaklawn School for Girls.

SEC. 4. The government of said school shall be vested in the penal and charitable commission.

SEC. 5. The said commission shall take charge of the general interests of the state reform school; shall see that its affairs are conducted in accordance with law and such rules and regulations as the said commission may from time to time adopt for the orderly and economical management of its concerns; shall see that strict discipline is maintained therein; shall provide employment for the inmates, and bind them out, discharge or remand them, or permit them to live at home or elsewhere during the pleasure of said commission, subject to their control and authority, as is hereinafter provided; and shall appoint a superintendent for each of said departments of said school and prescribe his or her duties, which superintendents, respectively, shall appoint such other officers as in the judgment of the commission the wants of said departments may require, and prescribe their duties, and such superintendent may, at discretion, remove such officers so appointed and appoint others in their stead. The salaries of all officers shall be fixed by the commission.

SEC. 6. Said commission shall also adopt such rules and regulations as they see fit for their own government and for the government of said institution.

SEC. 7. Said commission may, in their discretion, and upon such conditions as they may deem proper to impose, admit into the state reform school any child above the age of eight years, at the request of the parent or guardian of any such child, and accept of such parent or guardian a surrender in writing of any such child, to the care and direction of the commission.

SEC. 8. Said commission may, in their discretion, receive into said school all such children under the age of eighteen years and not less than seven years of age as shall be convicted as vagrants or disorderly persons or of criminal offences before any court in the state.

SEC. 9. Said commission may receive into said school children under the age of eighteen years and not less than seven years of age, convicted before any court of the United States within this state of criminal offences, upon like conditions as if convicted of criminal offences before any of the courts of this state, and upon such terms as regards payment for the expense of supporting said children as may be agreed upon by the United States and said commission.

SEC. 10. Every minor sentenced to said school shall there be kept, disciplined, instructed, employed and governed, under the direction of said commission, until he shall be either reformed and discharged, or shall be bound out by said commission according to their rules and regulations, or shall be remanded to prison under the sentence of the court as incorrigible, upon information of the commission as hereinafter provided, or until he shall be permitted to live at home or elsewhere, subject, however, while so at home or elsewhere, to the control and authority of said commission and liable to be returned to said school at any time during his term of sentence, at their pleasure.

SEC. 11. If any minor shall, upon any conviction, be sentenced to said school, and the said commission, or any two of them, in the absence of the others, shall deem it inexpedient to receive him, or if he shall be found to be incorrigible, or his continuance in the school shall be deemed prejudicial to the management and discipline thereof, or if the state shall close said school, they shall certify the same upon the mittimus by virtue of which he is held, which mittimus, together with the minor, shall be delivered to the sheriff or his deputy, who shall forthwith commit said minor to the jail, state workhouse and house of correction, or state prison, as the case may be, in pursuance of the alternative sentence provided for in chapter three hundred fifty-four, section fifty, or until such time as his improved character and conduct may, in the judgment of the commission, make his return to the reform school advantageous to himself and safe to the other inmates of that institution, when he may, with the mittimus, be returned by the commission to said school.

SEC. 12. All commitments to this institution of minors, of whatsoever age when committed, shall be for a term not longer than during

their minority nor less than two years, unless sooner discharged by order of the said commission as hereinbefore provided, and whenever any minor shall be discharged therefrom by the expiration of his term of commitment or as reformed or as having arrived at the age of twenty-one years, such discharge shall be a full release from all penalties and disabilities which may have been created by such sentence.

SEC. 13. The said commission shall cause the minors under their charge to be instructed in the principles of virtue and morality and in such branches of useful knowledge as shall be adapted to their age and capacity. They shall also be instructed in such regular course of labor as shall be best suited to their age and strength and shall seem best adapted to secure the reformation and amendment and future benefit of the minors, and, in binding out the inmates, the said commission shall have scrupulous regard to the moral character of those to whom they are to be bound, to the end that they may secure to the minors the benefit of a good example and wholesome instruction, the means of improvement in virtue and knowledge, and the opportunity of becoming intelligent, moral and useful members of society.

SEC. 14. The said commission may bind out any of the inmates of the said school as servants or apprentices until the age of twenty-one years or during the term of their sentence, to any citizen of this state, in like manner and on the same conditions as the overseers of the poor may, by law, bind out the children that come under their charge.

G. L. 1909: Ch. 360.

Sec. 11. ((as amend. 1920: 1882.))

The penal and charitable commission may cause any inmate of the state reform school who shall be deemed incorrigible, or an unfit person to remain therein, to be removed with the mittimus committing him thereto, to the jail in the county of Providence, there to remain until the expiration of the term of sentence stated in the mittimus or until such time as, in the opinion of the said commission, said inmate may be returned with the mittimus, to said school without detriment to the other inmates thereof. The said commission may cause any minor sentenced to, or awaiting trial in the jail in any county, or to the jail in the county of Providence, whenever in its opinion it shall be for the interest of the state and such sentenced minor, to be removed, with mittimus committing such minor, to the state reform school, there to remain until the expiration of the term of sentence stated in the mittimus, or until the time of trial, or to be returned to the original place of their commitment, in the discretion of said commission.

P. L. 1917: Ch. 1470. Art. 3.

Sec. 7. (as amend. 1922: 2230, sec. 18.)

The state institution at Cranston heretofore known as Oaklawn school shall, on and after a certain day hereafter to be determined by the commission, comprise the building known as Eastman cottage,

together with such land surrounding and adjacent thereto as the penal and charitable commission may designate, and including such other new or additional buildings or land as may be so added thereto.

Sec. 8. (as amend. 1922: 2230, sec. 18.)

That part of the state institution at Cranston heretofore used as a part of Oaklawn school, known as the administration building shall, on and after a certain day hereafter to be determined by the commission, be known and used as the Rhode Island state reformatory for women, for the confinement and care of all female persons committed to the Rhode Island state prison or the state workhouse and house of correction.

4. STATE HOME AND SCHOOL.

G. L. 1909: Ch. 102.

Sec. 1. (see 1917: 1470; see 1922: 2230.)

The control and maintenance of the state home and school for dependent and neglected children shall be vested in the penal and charitable commission. Said school shall be known as the State Home and School for Children.

Sec. 6. The said commission shall establish a system of government for the institution, and shall make all necessary rules and regulations for imparting instruction, and for the proper training of the children. They shall appoint such officers, teachers and employees as shall be necessary, and prescribe their duties and fix their salaries.

Sec. 7. (as amend. 1922: 2211.)

They shall receive, in accordance with rules by them established, such children as may be declared vagrant, truant, neglected or dependent on the public for support, as provided in this chapter, who are under eighteen years of age, and who are in suitable condition of mind and body to be instructed. Any child who shall be found by the commission to be of unsound mind, or who may be considered by the commission an improper inmate of said institution, shall be forthwith returned by them to the authorities from whom said child was received, who are hereby required to receive the same; and all male children admitted shall remain until they are eighteen years of age, and all female children admitted shall remain until they are twenty-one years of age, unless otherwise ordered by the commission.

Sec. 8. (as amend. 1909: 403; 1912: 833.)

It is declared to be the object of this chapter to provide for neglected and dependent children, not recognized as vicious or criminal, such influences as will lead toward an honest, intelligent, self-supporting manhood and womanhood, the state, so far as possible, holding to them the parental relation. But if at any time, in the discretion of the commission, this object can be better attained by placing a child in a good family of the same religious belief as the parents of such child said commission shall have the power to do so on condition that its education shall be provided for by such family

in the public schools of the town or city where they may reside, or in some other suitable public school or private school; and whenever such a course is desirable or necessary said commission may pay such amount as may be agreed upon for the care and support of such child. The commission may in its discretion place any child requiring special treatment, training, or oversight, in any institution controlled by persons of the same religious belief as the parents of such child, providing such special treatment, training or oversight, and may pay such amount as may be agreed upon, for the care and support of such child. The commission is hereby made the legal guardian of all children entrusted to its control and charged with the duty of following such children as may be placed in families or institutions with watchful care, and of taking such children back to its immediate supervision at any time when in its judgment the welfare of the children requires such action; and in case any child shall leave without permission or be taken by any person unauthorized from said State Home and School or from any family or any institution where it shall have been placed by said commission, then said commission is hereby authorized to take and restore said child to said State Home and School or to said family or to such institution.

SEC. 9. It shall be the duty of the superintendents or overseers of the poor in the several towns to, and any agent of the Rhode Island Society for the Prevention of Cruelty to Children may, bring before the courts of probate of such towns for examination, children supported in poor-houses or otherwise dependent on the public for support, or other children found to be in a state of vagrancy, want, or suffering, or abandoned by their parents or guardians, or not having any home or settled abode or proper guardianship; and thereupon it shall be the duty of the court of probate before whom any such child is brought, to investigate the facts and ascertain if the child is so supported, or is in a state of vagrancy, want, and suffering, or is abandoned by its parents or guardians, or is without home or settled abode or proper guardianship, and also to ascertain its name, age and place of birth, and the names and residence of its parents or guardians, if it have any, and where and for what length of time, if at all, it has been supported at the expense of the town or state; and said courts of probate shall have power to compel attendance of witnesses. The parents or any friend may appear in behalf of any child, and the court of probate in its discretion may request some suitable person to appear in behalf of any child; and if on such examination the court shall find that such child is so supported or dependent, or is in a state of vagrancy, want, and suffering, or is so abandoned, or without home or settled abode or proper guardianship, it shall make a proper order containing a statement of the facts ascertained as to said child, and entrusting said child to the care and custody of the said commission, together with a direction to the superintendent or overseer of the poor to take said child to the state home and school, and shall deliver to the superintendent or overseer of the poor, or other person procuring such examination, a certified copy thereof. Such certified copy of such order shall then be delivered with the child at the home and school, to

the presiding officer thereof. All expenses attending the foregoing proceedings shall be paid by the town or city in which the child belongs: *Provided*, that children between the ages of four and fourteen supported in the state infirmary may be brought before the probate court of the town of Cranston by the agent of the penal and charitable commission, and said court is hereby clothed with the same power over such children, and such proceedings may be had, as if they were regularly domiciled in said town; and all expenses incident to the hearings in said cases before said probate court shall be paid by the state, and the state auditor is hereby authorized to draw his orders for the payment of all such bills, when certified by the secretary of the penal and charitable commission, out of any money in the treasury not otherwise appropriated.

SEC. 10. The commission shall provide a book in which shall be registered the names, ages and places of birth of the children under their care; the residence of the parents or guardians as nearly as can be ascertained; the date when each child is received and from what town, and when he leaves the school; and whenever a child is placed in a family, the name, residence and occupation of such family; and such book shall be open at all times for the inspection of the probate clerks and the overseers of the poor of the several cities and towns of the state.

SEC. 11. The said commission shall annually report to the general assembly, at its January session, upon the condition of the school, the number of inmates thereof, the expenditures for the year, and their estimates for the year ensuing, together with such other matters as may seem desirable.

S. FEEBLE MINDED.

1. EXETER SCHOOL.

G. L. 1909: Ch. 103.

Sec. 1. (as amend. 1916: 1381; see 1917: 1470, sec. 22.)

A school to be known as the Exeter School shall be established and shall be under the management and control of the penal and charitable commission.

SEC. 2. Said commission shall have power to make such by-laws and regulations for the government thereof, not inconsistent with the provisions of this chapter, as they may deem expedient. They shall appoint such officers, teachers, and employees as shall be necessary, and prescribe their duties and fix their salaries and compensation, and shall purchase such furniture, books, school apparatus, and other supplies necessary to the equipment and carrying on of said school.

SEC. 3. In said school shall be maintained a school department for the instruction and education of feeble-minded persons who are within school age, or who are in the judgment of said commission capable of being benefited by school instruction; and a custodial department for the care and custody of feeble-minded persons beyond school age, or who are not capable of being benefited by school instruction.

SEC. 4. All feeble-minded persons in the care and custody of the state, or of any town in this state, capable of being benefited by school instruction shall be transferred to and received into said school whenever said commission considers the conditions in said school suitable and the accommodations in said school ample for the proper care and instruction of such persons.

SEC. 5. Said commission may gratuitously receive, maintain, and educate in said school such feeble-minded persons, residents of this state, as they, upon investigation, believe are without means of support, and whose lawful guardians are unable to pay for such maintenance and education or are not liable for the same. Other pupils may be received from this state or elsewhere, at such a charge as said commission may in their discretion fix. Overseers of the poor in all the towns of this state shall receive and forward to said board any applications that may be brought to their attention for the admission to said school of any feeble-minded persons residing in their respective towns. All applications for admission of any feeble-minded person to said school, under the provisions of this section shall be made in writing, to said commission, by the parent or parents, guardian, or the person having the care and custody of such feeble-minded person, and each such application shall be accompanied by the certificate of two practising physicians in good standing, that such person, whose admission is sought into said school, is feeble-minded and a proper subject for admission to said school. Said commission shall have full control and authority over the inmates of the school, and may, whenever they consider it necessary or expedient, discharge any pupil of said school, delivering said discharged pupil to the person or place liable for his support, and in default of such liability, to the state infirmary.

SEC. 6. Whenever complaint in writing and under oath shall be made to any justice or clerk of the district court that any person within the district wherein such court is established is feeble-minded, so as to require restraint for his own welfare or for the welfare of the public, such justice or clerk shall issue his warrant under his hand and seal, returnable forthwith, directed to the sheriff, deputy sheriffs, chiefs of police, town sergeants, or constables in the county wherein such district is situated, requiring the officer charged therewith to apprehend such person and have him with such warrant before such district court for examination relative to such complaint at such time and place within the district as shall be named in the warrant. If the court on such examination and upon the testimony of two practising physicians in good standing shall adjudge such complaint to be true, it shall, unless some provision for the adequate restraint of such person satisfactory to said court shall be made, commit such person by warrant under its hand and seal to the Exeter School, there to be detained until in the judgment of the penal and charitable commission such person shall be no longer under the necessity of restraint, or until adequate provision satisfactory to such district court for the restraint of such person shall be made before it. Application for the discharge from the Exeter School of any person so committed may be made by him, or by some

person in his behalf, to the district court by which such person was committed, and a time and place for the hearing of such application shall be appointed by such court to whom such application shall have been made, and such court shall have the power to order the discharge of such person. Any person aggrieved by the order of any district court committing such person to such school for the feeble-minded or refusing to discharge such person therefrom shall have the same right of appeal as is provided from the judgment of a district court in criminal cases.

2. PROVISION FOR EDUCATION OF DEAF, BLIND, AND IMBECILE CHILDREN.

G. L. 1909: Ch. 100.

SECTION 1. The governor, on recommendation of the state board of education, upon application of the parent or guardian, may appoint any deaf, blind or imbecile child, being a legal resident of this state, who shall appear to said board to be a fit subject for education, as a state beneficiary at any suitable institution or school now established, or that may be established, either within or without the state, for such period as he may determine, within the limit of ten years: *Provided*, that he may, upon the special recommendation of the state board of education, extend the period and that he shall have the power to revoke any appointment at any time for cause.

SEC. 2. The board of education are hereby clothed with the duty and responsibility of supervising the education of all such beneficiaries, and no child appointed as above shall be withdrawn from any institution or school except with their consent, or the consent of the governor.

Sec. 3. (as amend. 1920: 1879.)

The board of education may expend in the purchase of necessary clothing for such beneficiaries a sum not exceeding forty dollars, in any calendar year, for a single child.

T. DEAF.

1. R. I. INSTITUTE FOR THE DEAF.

G. L. 1909: Ch. 101.

SECTION 1. The governor and lieutenant-governor together with nine citizens of this state, of whom six shall be men and three women, to be appointed as hereinafter provided, shall constitute a board of trustees in whom shall be vested the management and control of a state institution for the instruction and maintenance of deaf children in accordance with the provisions of this chapter. Such institution shall be known as the Rhode Island Institute for the Deaf.

SEC. 4. Deaf persons between the ages of three and twenty years, and of sufficient capacity for instruction, who are legal residents of the state, shall be entitled to the privilege of the school without charge, and for such period of time in each individual case as may

be deemed expedient by the board of trustees; residents of other states may be admitted upon the payment of such rates of board and tuition as may be fixed by the board of trustees. The primary object of the school shall be to furnish to the deaf children of this state, oral instruction, and the best known facilities for the enjoyment of such a share of the benefits of the system of free public education as their afflicted condition will admit of. The board of trustees shall have charge of the affairs of the institution, with power to make such by-laws and regulations for the government thereof (not inconsistent with the provisions of this chapter) as they may deem expedient. They shall elect from their own number a president and secretary, together with such standing committees as they may deem necessary. They shall appoint a principal who shall be the chief executive officer of the institution, and shall have charge of the educational and internal affairs of the institution, and shall also, upon the nomination of the principal, appoint teachers and subordinate officers, prescribe the duties and terms of service of the same, and fix their salaries, and for just cause remove any or all of them. They shall likewise employ the requisite number of servants and other assistants, and fix the wages of the same, and shall purchase all furniture, school-books, school-apparatus and other supplies necessary to the equipment and carrying-on such institution.

SEC. 5. The board of trustees shall annually in the month of January make a report to the general assembly, of the state and condition of the school, and a statement of all expenses incurred for salaries, maintenance, tuition and other items of current expense. together with an estimate of the amount of money necessary to meet the current expenses of the next year.

SEC. 6. All children of parents, or under the control of guardians or other persons, legal residents of this state, between the ages of three and twenty years, whose hearing or speech, or both, are so defective as to make it inexpedient or impracticable to attend the public schools to advantage, not being mentally or otherwise incapable, may attend the Rhode Island Institute for the Deaf, without charge, under such rules and regulations as the board of trustees of said institute may establish.

SEC. 7. Every person having under his control any such child between the ages of seven and eighteen years shall cause such child to attend school at said institute for such period of time or such prescribed course, in each individual case, as may be deemed expedient by the board of trustees, and for any neglect of such duty the person so offending shall be fined not exceeding twenty dollars: *Provided*, that if the person so charged shall prove to the satisfaction of said board that the child has received or is receiving, under private or other instruction, an education suitable to his condition, in the judgment of said board, then such penalty shall not be incurred; *Provided, further*, that no child shall be removed to said institution or taken from the custody of its parent or guardian except as a day scholar, unless such parent or guardian is an improper person to have such custody, and the supreme court shall have jurisdiction in habeas

corpus proceedings to examine into and revise all findings of said board of trustees under this chapter.

SEC. 8. Any child having attended said institute a time or course prescribed by said board, upon leaving the institute shall be entitled to receive a certificate of his proficiency from said board.

U. CUSTODY AND CARE OF PAUPER CHILDREN.

G. L. 1909: Ch. 93.

SECTION 1. Every town shall be holden to relieve and support all poor and indigent persons lawfully settled therein, whenever they shall stand in need of relief and support, and to afford temporary relief to other poor and indigent persons.

SEC. 14. The overseers of the poor of the several towns, with the advice and consent of the town councils thereof, may bind out as apprentices, to citizens of this state, or to the Providence Children's Friend Society, or to the Home for Friendless Children in Newport, or to the Providence Shelter for Colored Children, in the manner and for the purposes prescribed by law, the following classes of poor children in their respective towns:—

First. Any children whose parents are lawfully settled in and have become chargeable to their town;

Second. Any, whose parents, so settled, shall be found by said overseers to be unable to maintain them, whether they receive alms or are so chargeable or not;

Third. Any, whose parents, residing in their town, are supported there at the charge of the state;

Fourth. Any, whose parent or parents, having no legal settlement in this state, are residing in such town and are adjudged by the town council of such town to be unable to maintain his or her children, and who are unwilling themselves to bind out their children;

Fifth. Any, not having sufficient estate for their maintenance and no visible means of support, who have no parents living or residing in the town, and who have no legal settlement in this state.

SEC. 24. Whenever a pauper shall die in a town of which he is not an inhabitant, the overseers of the poor thereof shall give him a decent burial, the reasonable expense whereof shall be paid by the town to which such pauper belonged.

SEC. 25. Any town may at its own expense send any pauper not having a legal settlement therein, but who has become chargeable thereto, to the state infirmary to be maintained at the expense of the state.

SEC. 26. Any town may at its own expense send any pauper having a legal settlement therein to the state infirmary, upon such terms as may be agreed on by such town and the penal and charitable commission.

G. L. 1909: Ch. 94.

SEC. 11. If any person shall reside in any town in the state, not being legally settled therein, and shall become, or be likely to become, chargeable to such town, any one of the overseers of the poor of such town may make complaint thereof to the town council.

SEC. 13. Upon such complaint the town council may inquire, either by the oath of such poor person, or otherwise, in what town he was last legally settled, and, upon the best information they can obtain, may adjudge and determine to what town he lawfully belongs within the state, or in which he was last legally settled; which being done, the town council shall make an order under their seal, to be signed by their clerk, for the removal of such person to such town.

SECTION 1. If any person shall bring into and leave any poor and indigent person in any town wherein such pauper is not lawfully settled, knowing him to be poor and indigent, unless by an order of removal made by a town council in the state, he shall forfeit one hundred dollars for every such offence, to be sued for and recovered by the town treasurer to the use of such town, or shall be fined not exceeding twenty dollars.

G. L. 1909: Ch. 248.

SECTION 1. Any orphanage or society now or hereafter organized and incorporated under the laws of this state for the care of orphans and needy children is hereby authorized and empowered to take and have, from time to time, the exclusive care, custody and control of children during their minority, in cases as follows:

First. When any child shall have been committed to its care, during minority, by an overseer of the poor of any town, in any of the cases where overseers of the poor are authorized by law to bind out children.

Second. When any child shall have been committed to its care, during minority, by the Society for the Prevention of Cruelty to Children, under the decree of any court.

Third. When any child shall have been committed to its care during minority, by the written consent of parents or guardian, or of either parent, if the other parent be dead, insane or under guardianship or imprisoned in the state prison under a sentence for a term not less than three years.

Fourth. When any child shall have been committed to its care, by decree of a court of probate as hereinafter provided.

SEC. 2. If the parents of any child, in the care of such an institution, are dead and said child has no guardian, or if any child shall have been maintained by such institution for the space of one year without aid in its support from its parents or guardian or demand for its custody by either parent or guardian, such institution may petition for the custody of such child to the court of probate of the town or city where the institution is located or where the child last had its residence, if in this state, before going to such institution, and thereupon the court of probate shall give notice of a hearing on said

petition, as required by chapter two hundred forty-four, in cases for the adoption of children. If upon such hearing it shall appear to the satisfaction of the court that the parents are dead and the child has no guardian, the custody of the child during its minority may be awarded to the institution petitioning therefor; and if it appears that either parent or guardian be living, but no sufficient reason be shown why such child has not been provided for by such parent or guardian, or no offer be made to the court by either of them for its proper maintenance in the future, it shall thereupon be decreed by said court that such child is abandoned and its custody during minority shall be awarded to said petitioning institution: *Provided, however*, that all rights of appeal and of application to the superior court shall be allowed as provided in said chapter two hundred forty-four.

SEC. 3. Any such institution, after having acquired the exclusive custody and control of any child, in either way aforesaid, shall have authority to bind out, by indenture or otherwise, such child as apprentice or servant to any useful trade, art, occupation or employment, during minority, or for a shorter period; and may place any such child in any suitable family as a servant or for the privileges of a home, and may remove any such child from one family to another and from one employment to another; always requiring such provision in money, clothing, food, care in sickness and in health, and instruction intellectual, moral and religious, as may be deemed to be suitable and proper; and reserving the right to cancel such indenture or agreement and to retake the child from the person to whom it shall have been bound, in case the child shall not receive proper care, maintenance and instruction or in case it shall be deemed best for the child by said corporation to cancel such agreement and return the child to its custody. Such corporation may also consent to the adoption of any such child by persons petitioning therefor under the statutes of this state, and to the marriage of any such child, in place of the consent of the parent or guardian as required by law.

SEC. 4. All powers by this chapter conferred upon a corporation shall be exercised through such officers, board of managers, committee or agent as the corporation may from time to time by general or special vote direct.

G. L. 1909: Ch. 46.

Sec. 4. (as amend. 1918: 1629.)

Towns, may at any legal meeting, grant and vote such sums of money as they shall judge necessary:—

For the support and maintenance of the poor, and the purchase, erection and repair of proper buildings for the accommodation of the same, as well as for the purchase of proper sites for such buildings, and, if they judge expedient, of farms or farm lands, for the employment and support of paupers and others chargeable to them;

For the purchase of proper sites for workhouses, bridewells, houses of correction and reform schools for juvenile offenders, and the purchase, erection and repair of proper buildings, fixtures and

apparatus for the same, and the purchase of lands for the employment and support of the inmates of the same;

For all necessary charges and expenses whatsoever arising within the town, whether incidental or not to the above.

G. L. 1909: Ch. 92.

SECTION 1. A legal settlement in any town shall be gained, so as to oblige such town to relieve and support the person gaining the same in case he becomes poor and stands in need of relief, by any of the ways and means following and not otherwise:

First. A married woman shall always follow and have the settlement of her husband, if he has any settlement in this state or in any other of the United States; but if he has no settlement in this state or in any other of the United States, the wife shall have and retain her settlement at the time of her marriage, and the husband in such case shall follow and have the settlement of his wife.

Second. Legitimate children shall follow and have the settlement of their father until they arrive at the age of twenty-one years, if the father shall, before that time, have any settlement in this state or in any other of the United States, and shall retain such settlement until they gain a settlement of their own; but if the father, before that time, shall not have any settlement in this state or in any other of the United States, the children shall in like manner follow and have the settlement of the mother.

Third. Illegitimate children born in this state shall follow and have the settlement of their mother at the time of their birth; but neither legitimate nor illegitimate children shall gain a settlement by birth in the places where they may be born, if neither of their parents shall have a settlement there.

Fourth. Every minor who shall serve an apprenticeship to any lawful trade for the space of three years in any town, and actually set up the same therein within three years after the expiration of the said term, being then twenty-one years of age, and shall continue to carry on the same for the space of five years, shall thereby gain a settlement in such town; but such person being hired as a journeyman, shall not be considered as setting up a trade.

G. L. 1909: Ch. 352.

Sec. 4. (as added 1912: 777; as amend. 1914: 1052.)

The agent of state charities and corrections may, with the approval of the penal and charitable commission contribute to the support of the destitute family of an adult resident of this state, committed to the state institutions in Cranston, whenever he is satisfied that such destitution has resulted from such commitment: *Provided*, such contributions shall not continue beyond the period of such commitment.

V. INJURED AND CRIPPLED.

P. L. 1919: Ch. 1737.

Sec. 1. (as amend. 1921: 2033.)

The commissioner of education, with the approval of the state board of education, is hereby authorized and empowered to provide for the vocational rehabilitation of persons disabled in any legitimate occupation and their return to civil employment. If any person, being a resident of this state, by reason of physical defect or infirmity, whether congenital or acquired by accident, injury or disease, is or may be expected to be totally or partly incapacitated for remunerative employment or service in his occupation, the commissioner of education, with the approval of the state board of education, may if the person is a suitable subject for rehabilitation, assist in rendering him fit to engage in a remunerative occupation by appointing him as a state scholar at any suitable school or institution either within or without the state, or by providing suitable instruction in school or shop or other suitable place, for a period in either instance not exceeding one year; *Provided*, that the period of instruction may be extended upon proof of satisfactory accomplishment and the need of extension to insure rehabilitation, and provided further that the commissioner at any time for reasonable cause may revoke any scholarship or discontinue other provision for instruction.

SEC. 2. The board of education are hereby clothed with the duty and responsibility of supervising the rehabilitation and education of all such beneficiaries, and no beneficiary appointed under the provisions of this act shall be withdrawn from any institution or school except with their consent or the consent of the governor; and said board shall annually report to the General Assembly their doings under the provisions of this act, with such recommendations and further information in relation to the several institutions at which these beneficiaries have been placed as may be deemed desirable.

SEC. 3. The General Assembly shall annually appropriate such sum as it may deem sufficient and advisable for the purpose of carrying out the provisions of this act; and the state auditor is hereby directed to draw his orders upon the general treasurer for the payment of any sum appropriated for the purposes of this act, or so much thereof as may from time to time be required, upon receipt by him of proper vouchers signed by the commissioner of education and approved by the governor.

SEC. 4. The commissioner of education, may, in his discretion, also, out of the appropriation made under the provisions of this act, provide, to beneficiaries under the provisions of this act, artificial limbs, wholly or partially free of charge, or at cost, to be repaid by said beneficiaries in installments to be fixed by said commissioner, and all moneys collected from such installment repayment shall be turned into the state treasury, and such money is hereby reappropriated for the purposes of this act.

Sec. 5. (as added 1921: 2033.)

This act shall not apply to aged or helpless persons requiring permanent custodial care, or to insane, epileptic or feeble-minded persons, or to other persons who, in the judgment of the commissioner of education, may not be susceptible to rehabilitation.

W. BOARDING AND KEEPING OF INFANTS.

G. L. 1909: Ch. 141.

Sec. 1. (as amend. 1910: 548.)

No person, other than the managers of any state institution, the corporations and societies enumerated in Section 3 of Chapter 139 of the General Laws, any charitable institution incorporated by an act of the general assembly of this state, with authority to aid, support, or care for infants, or any duly authorized officers or agents of any of the same, shall receive, board, or keep for hire, gain, or reward, any infant under the age of seven years not related by blood or marriage to, or not legally adopted by, or not legally committed by order of any court to, such person, unless licensed in writing by the penal and charitable commission. Every person violating any of the provisions of this section shall, for each such offence, be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment: *Provided*, that if in any prosecution under this chapter the defendant relies upon his relationship to, or right to the legal custody of such infant in defence, the burden shall be upon the defendant to prove such relationship or right to legal custody.

SEC. 2. The penal and charitable commission may grant licenses to receive, board and keep infants, and may revoke such license in its discretion. No such license shall be granted until the application therefor shall be approved in writing by the board of health of the city or town in which such licensee proposes to receive, board and keep such infants. The penal and charitable commission, the Rhode Island Society for the Prevention of Cruelty to Children, and boards of health of cities and towns, shall annually, and may at all times, visit and inspect premises so licensed, and may at any time designate any person to visit and inspect said premises.

SEC. 3. Such licenses shall be granted for a term not exceeding one year and a record thereof shall be kept by the penal and charitable commission, which commission shall forthwith notify the Rhode Island Society for the Prevention of Cruelty to Children, and the board of health of the city or town in which the licensee resides, that such license has been granted, with the terms thereof.

SEC. 4. Every licensee as aforesaid shall keep a true and particular record in such form as may be prescribed by the penal and charitable commission, of every infant received, which record shall include the name and age of such infant, the date of the receiving

of such infant, the name and address of the person or institution from whom such infant is received, the date of its discharge, and the name and address of the person or institution to whom it is delivered.

Sec. 6. (as amend. 1910: 548.)

Every person, licensed as aforesaid, receiving under his care or control, for hire, gain, or reward, or placing under the care or control of another, any infant under seven years of age not related by blood or marriage to, or not legally adopted by, such other person, to be kept under the care and control of such other person for hire, gain, or reward, shall, within two days after such reception or placing, give notice to the penal and charitable commission of such reception or placing under control and its terms, with the names, ages, and residences of such infant and of its parents, so far as known to the person giving such notice.

Sec. 7. (as amend. 1910: 548.)

Every person violating any of the provisions of section four or section six of this chapter shall, for each such offence, be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Sec. 8. (as added 1910: 548.)

The provisions of this chapter shall not in any manner affect or impair the rights, powers, and duties conferred and imposed, by chapter 93 of the general laws, upon overseers of the poor, relative to the settled poor within their respective cities and towns.

X. MOTHERS' AID.

、 P. L. 1922: Ch. 2180.

SECTION 1. The penal and charitable commission shall appoint a woman as state director of mothers' aid, who shall investigate the subject of giving aid to mothers and with dependent children under the age of fourteen years. Said director shall consult with the overseers of the poor, and other town and city authorities, and such public and private agencies as may be available, to determine as far as possible the number of cases that would naturally arise under such legislation, the number of mothers who require aid in their homes sufficient to maintain such homes and provide for their own children in suitable surroundings, and prepare an estimate of the reasonable expense of such aid to mothers and children.

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NOTE—The paragraph at the top of page 62, preceding sec. 7, and beginning "The school committee of each town shall elect a superintendent," should be numbered "Sec. 5. (as amend. 1913: 946.)"



